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# THE HISTORY OF THE COMMON LAW OF GREAT BRITAIN AND GAUL,

FROM THE EARLIEST PERIOD TO THE TIME OF ENGLISH  
LEGAL MEMORY.

By JOHN PYM YEATMAN,

OF LINCOLN'S INN, ESQUIRE, BARRISTER-AT-LAW;

AUTHOR OF "AN OUTLINE OF THE PRACTICE OF THE MAYOR'S COURT OF LONDON," ETC

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*"Curat Lex communis sicut prius currere consuevit."*

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*To be published in Four Parts. The First Part is already published, price Ten Shillings and Sixpence; and the Second Part will be published shortly. The whole work, price Two Guineas, bound in cloth, to be published, if possible, during the year.*

## OPINIONS OF THE PRESS.

"This work, the author assures us, embodies the labour of many years, and the subject is one of no small interest. It is the history of the common law of Great Britain and Gaul, from the earliest period to the time of English legal memory. The object is to exhibit the primitive sources of our common law in its earliest state, and with that view Gaul is included as well as Great Britain. The author's view, in a word, is, that the Saxons were barbarians, and that the elements of law and civilization to be found in this country after their invasion must have been derived from other sources. He traces them, in a great degree, to the length of the Roman occupation of Britain, during which it undoubtedly attained a high degree of civilization. This is the view upheld by Mr Finlason. For a writer on the history of laws to begin by denying the genuineness of all early records of it, is indeed needless, and Mr Yeatman is inconsistent in denying the genuineness of the Saxons'

laws, whilst upholding those of Howell Edda. Nevertheless, Mr Yeatman's work is, though unsound on these points, vigorous and lively, and embodies the results of much reading. This is only an instalment, being the first of four parts which are to be issued; and no doubt, when completed, it will contain much that is interesting and valuable."—*The Law Magazine and Review*, April 1874.

"This is the first instalment of a work of apparently a similar character to Reeves' 'History of the English Law.' Of works of this class it is difficult to form a just opinion until the whole is presented to the reader, and always ungrateful to form a hostile one; because, whatever their demerits, they are monuments in a way of considerable industry. The present work, however, cannot be read without serious doubts arising that its excessive originality will disqualify it for a very wide success. Its scope is the investigation of the ancient law of the ancient Britons, with a view to establishing that the Roman civil law was in a great measure derived from it. A large amount of learning is undoubtedly displayed by the present work, and also considerable skill in the art of writing lucidly, which ought to be employed more profitably than in advocating the most hopeless of newly-invented theories. On many questions, a superficial acquaintance with which is creditable, this work discloses much knowledge."—*The Law Times*, 28th March 1874.

AN INTRODUCTION  
TO THE STUDY OF  
EARLY ENGLISH HISTORY.

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BY

JOHN PYM YEATMAN

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*Author of "The History of the Common Law of Great Britain and Gaul,  
"An Outline of the Practice of the Mayor's Court of London," &c.*

"MAGNA EST VERITAS ET PREVALEBIT"

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1874

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## P R E F A C E.

A CONSIDERABLE portion of this book has been already published as an introduction to the author's "*History of the Common Law of Great Britain and Gaul*," now in course of publication; in that work the author was compelled to travel somewhat out of the region of law, in which he is more versed, and to dabble in that of history.

His views on the subject of the origin of our law are wholly at variance with those of any of our lawyers, whether of the past or the present time, and he was compelled to illustrate them by reference to historical matters. No modern writer, with the exception perhaps of



the late George Spence, has ever hinted that our law has any but a Saxon origin. George Spence has indeed indicated that we must look to Roman institutions, but none of them have gone beyond this. The author, however, has seen so much in our law which clearly could not be referred to the Romans, but which was obviously of much older date than the period of Roman occupation, that he looked farther into the matter, and satisfied himself that our British institutions alone are the bulk of our laws to be attributed.

In order to prove this proposition, it became necessary to examine the early histories of the country, and a very slight examination, proved how erroneously, and upon what false theories, many of them are written.

To arrive at the truth, it was necessary to avoid the old well-beaten paths so patiently and complacently travelled in childhood, and to strike out entirely new ways and modes of thought.

This was done diffidently, with a conscious

ness of personal unfitness for the task ; and in introducing his work to the public, the author thus spoke of it and of his objects and hopes :—

“ It is, then, to recall, if possible, the attention of students to the true sources of history and law that these pages are written. They are launched upon the stream of time with hesitation, from a conviction that in so much darkness it is very dangerous to attempt to find the way ; but it is still thought that the rays of light which modern science holds up to us are sufficient to enable us to advance firmly and confidently ; and although much error may have crept in, and many facts have escaped notice, it is hoped that even a partial execution of the work is better than none at all, since it may excite some worthier student to enter the same path, and induce him to record more perfectly that which is good and true and noteworthy in our glorious history—a history that Niebuhr candidly admits, of all the histories of all the

nations of the earth, like that of old Rome, affects the whole human race."

Since this publication, the author met with the great work of the Rev. William Whitaker, "The History of Manchester," under which title is given a wonderful account of Roman Britain. In this work the author found much to corroborate his own theories, with much to correct them, and he determined to work out the theories he had originated with more particularity, and to present them to the general reader in a form more popular and palatable, believing that there is a real necessity for the work, and that some good may arise from it.

2 BRICK COURT, TEMPLE, E.C..

23d Sept. 1874.

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# AN INTRODUCTION

## TO THE STUDY OF

### EARLY ENGLISH HISTORY.

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#### CHAPTER I.

##### ENGLISH IGNORANCE OF EARLY ENGLISH HISTORY.

THE study of early English history is not only the most interesting that can occupy the attention of Englishmen, but it is one which affects the whole human race; and, to our shame be it written, it is one which, in all its branches, has been most thoroughly neglected in this country, where it ought certainly to have obtained the most earnest attention. We have, indeed, many histories which purport to give us a true account of our race and origin, but, with one exception, they are unworthy of the name. They are mere compilations, the work of scissors and paste; one author copying directly the errors and lies of another, none of them going to the fountain-head, in order to weigh the evidence of which we are the happy possessors.

The bright exception to this rule is the Rev. William Whitaker, who, in his "History of Man-



chester," has given a most valuable history of Roman Britain. Few writers in this century are aware of the value of his book, which was published above 100 years ago, or, like the author, they would have avoided many grievous errors. It is not too much to say that this writer is far, very far, in advance of the science of the present century, though writing in the last; and too much honour cannot be paid to his work on this account.

As the writer of this grand work is almost forgotten by this learned generation, and as the author of this book relies upon him as an authority for many of the propositions adduced in support of his arguments, it may be as well to refer the reader to the testimonials in Dr Whitaker's favour given by various learned writers, some of which are recorded in "Allibone's Dictionary of British and American Authors," vol. 3. The great Gibbon frankly acknowledged that in writing his Roman History, the laborious Mr Carte, and the ingenious Mr Whitaker were the two modern writers to whom he was principally indebted (chap. xxxviii). Lord Brougham, speaking of another book by the same author, "The Life of Mary Queen of Scots," says "it is the most learned work on the subject."

The same work is described by a writer, in the *London Monthly Review*, as "unequalled in respect to acuteness, ingenuity, and candour," and Dr Whitaker's "Origin of Arianism," is described as a work "replete with erudition and deep research."

The author has been much blamed by reviewers and others, for writing very plainly concerning the errors and lies of history. He is thankful that Mr Whitaker affords him an opportunity of stating the

same thing in much better language: for, in entering upon an inquiry into the study of English history, the first thing to be done is to draw attention to this miserable fact; for unless men's eyes are opened to the disgraceful state of our present histories, the newest as well as the eldest, there can be no hope of our attaining to the truth; and the truth of history is the first and only thing to be sought after. Let us tear down the trumpery, the ornaments and gilding with which the truth has been overlaid; and let us look plainly at the facts, concealing nothing, and distorting nothing, but exhibiting the truth as it exists; and assuredly we shall find that we are no losers by the process, but that our history—even though we must record, at particular periods, acts as foul, and deeds as black, as those mentioned in the sacred history of the Jews themselves—will triumphantly bear the test of comparison with the histories of other nations; and the consciousness of this will enable us to look back proudly on our origin and race. But whatever may be the result, let us find out the truth, and having attained to it, let us publish it to the world. The conclusion at which the author arrived, he thus stated: "So numerous, so malignant are the lies of history, that the only safe plan to adopt is to discard everything, to treat every subject as a matter to be proved step by step, not, of course, by strict evidence, but by the only evidence that can be produced, by comparison, by criticism, by the aid of the rules of logic, of evidence, and of right reason, and especially by the internal evidence of the subjects themselves (Yeatman's "History of the Common Law," p. 6).

When these words were written, the author had

not seen Mr Whitaker's book, and he had arrived at these conclusions from the study, during many years, of our early records; he rejoices to find how completely many of them are borne out by the evidence of this great writer.

Mr Whitaker at page 7 of his preface thus writes:—"The period of our history before the Conquest is the most important and momentous in our annals. It most forcibly lays hold upon the passions by the quick succession and active variety of its incidents, and by the decisive greatness of its revolutions; and what is more, it is that period of our history which gives the body and the form to all succeeding centuries of it. It contains the actual commencement of every part of our public and private economy; and yet, this all-important period has been more wretchedly delineated than any other. It has hitherto been delineated with all the hasty superficialness of ignorance."

And at page 5, vol. ii., he writes:—"Our best national accounts of the period, especially before the Conquest, call loudly, I think, for the correction of criticism. Prejudice and partiality, ignorance and inattention, dulness and refinement, have all co-operated to throw their several false colours over the face of our annals, and disguise their real and genuine features; and some bolder spirit has long been wanted amongst us that would dare to read, examine, and think for himself."

And again at p. 11:—"The interior condition of Roman Britain at the period of the departure of the Romans, has been strangely misrepresented by all our historians. The false representation (as to the building of the wall) was begun by Gildas, and

copied afterwards by Bede, and has been faithfully transcribed by every historian from both.

“Absolutely false is the charge of barbarism against the Britons, which has been regularly transmitted from pen to pen through a succession of 1200 years” (to which another 100 may now be added); “and equally false are the other imputations upon them, though they have been equally repeated by all the historians from Gildas to Mr Hume.” And this charge may be brought down also to our own day, to Sir Edward Creasy, Sir H. S. Maine, and to the remainder of modern historical writers.

In vol. ii., p. 235, Mr Whitaker thus writes :—  
“The old British has been hitherto an unknown and unpractised wilderness to almost all our writers. On the origin of the English, scarcely one of them had obtained the smallest acquaintance with the ground, and some such had only skirted the borders, and hovered about the confines of it; and yet, with a rashness which is very uncommon in some and highly condemnable in all, they have presumed to speak of what they knew themselves not to understand, and to pronounce decisively on a subject of which they were conscious that they had obtained no information. Hence the extermination of the Britons was asserted as a positive fact, or inferred as a strongly presumptive one, in opposition equally to good sense and decisive testimony; and the English was affirmed to be genuine and unmixed Teutonic, though the traces and lineaments of the Celtic are plainly impressed on the front of it.”

These two propositions, that the English race was British and not Saxon, and that our tongue was the

same, were adduced by the author to prove the fact he was then striving to prove—namely, the British origin of our laws; for it requires little proof to induce the acceptance of the proposition, that if the true race and tongue of the English are British and not Saxon, that such is also the origin of the laws. And the author rejoices in the fact that simply by reading, examining, and thinking for himself, he had been able in all these matters to arrive at a correct conclusion; which, though novel, cannot now be contradicted. It is one thing for anonymous scribblers to assail an unknown writer with slander and abuse; it is quite another thing to attack Dr Whitaker; although he is an author of whom it is not rash to state that neither Stubbs nor Freeman, Creasy nor Maine, ever read a line; and probably Dr Finslason has not done so either. Had any of them studied his book, or had any writer of the present day copied by his example, it would be impossible for the shocking and gross ignorance, which Whitaker so ruthlessly exposes, to have survived to the present time; and his strictures, severe though they are, fall with double weight upon the present generation; for to the charge of ignorance and presumption must now be added a still lower characteristic, its natural offspring, calumny and slander. The present Prime Minister, in a speech the other day, whilst apparently complimenting the learned of our age, grimly insinuated that all our learning was not likely to be of much practical use to us. Doubtless he covertly intended to sneer at our pretensions to learning; and justly might he do so, whilst such shocking ignorance so extensively prevails. It is not incorrect to say that the strictures of Dr

Whitaker apply with double force to this age; for men openly teach the same errors which he laboured to refute; and our greatest writers, Creasy and Maine, are as innocent of the facts of history as were the scribblers of the last century. They appear to accept as gospel the histories of their predecessors, and to leave unnoticed and unexamined the records on which they profess to be based, which, if properly examined, are generally found to prove the very contrary of the propositions put forward by these so-called historians.

It is only when Dr Whitaker arrives at the latter portion of his work, and when he has to treat of the subject of the Catholic Church, that he shows signs of failure. The large-hearted, far-sighted historian sinks suddenly into the Protestant divine of the seventeenth century, a dismal caricature of an apostle of truth, happily very different from the Anglican Priest of to-day, and himself becomes a victim of that ignorance and inattention, prejudice and partiality, which he had so justly and eloquently denounced in the case of others. He writes as if Catholicity and superstition were convertible terms, and charges the immediate successors of St Augustine, if not the saint himself, with the old red-rag bugbear of Romanising tendencies; as if our Blessed Lord Himself were not the first and greatest of Romanisers, having directly inspired His apostles there to plant that Church, which He had declared, in language which, to Protestant divines, if they possess any true knowledge of the facts of history, and believe in the statements of the Bible, must be fearfully charged with horror and apprehension. For He declared that His Church should remain, under the especial direction of the Holy Ghost, until the con-

summation of all things. "Amen, I say unto you, Thou art Peter, and upon thee, soft stone though thou art, I will found my Church, and the gates of hell shall not prevail against it. Behold, I am with you always, even unto the consummation of all things."

Dr Whitaker, in spite of these awful words, had departed from the pale of the Church; and, born and bred in antithesis, he was eating the fruit of Protestantism, that sickening, baleful sprout which, then at its highest growth, overshadowed God's Church, and cursed and withered the seventeenth century of England. Though he had strength of mind, where the question of religion was not concerned, to throw off the trammels of that narrow-minded and ignorant literature which the Protestant Church had nurtured, and to appeal boldly in secular matters for the truth; yet, when he was compelled to treat upon religious affairs, he could only write with a pen bound down to his emasculated faith, circumscribed in its action, and with its ink envenomed; and hence he himself displayed the very bigotry and ignorance which he had so loudly denounced in others. Although he has been too honest to withhold facts, he has not scrupled to pervert their meaning; that is, to deal with them in the miserable corroding spirit of Protestantism. When we regard this portion of his work, we are irresistibly impelled to lament over the fall of the mighty, the failure of the strong and swift, the corruption of him who was deemed to be incorruptible.

Lord Macaulay has noted the curious fact that it is only in British history that an age of fable completely separates two ages of truth; we owe that mis-

fortune to the Saxons, to whom in their ignorance modern writers ascribe the merit of our institutions; but every honest student of history knows that we owe the savage darkness of this horrible and sickening period to these wretched barbarians; that centuries before the Romans gained a footing in this country, the inhabitants were a polished and intellectual people, with a system of jurisprudence of their own, superior even to the law of Rome; and that the Romans acknowledged this, spared and protected it; and that the terribly thick darkness which now hangs over this period is solely owing to these Saxon savages. To assume the contrary—to blot out our ancient history altogether—is to place us as a people lower in the scale of nations than even the Saxons; but if, as it must be admitted, our intermediate history is wrapped in obscurity, the darkness is not impenetrable. Modern science and investigation has afforded us many lights by which we can approach it, and gain a clear insight and conception of its scope and details—lights of which the shallow writers of the present day boast the possession, whilst they only use them to baffle us, and to make the darkness more confused. Whilst the early period of our history, its brightest page, is thought unworthy the attention of scholars and professors, a chair is erected at Cambridge to encourage the study of a barbarous tongue, with which we have nothing to do except to eliminate it from our own. That wretched gibberish yclept Saxon is treated scientifically as an original language, an honour to which it has equal claims with the lingo of the Christy Minstrels, the wretched forgeries upon which its very existence depends receiving from the Professors almost divine honours. In truth, there is



as much to unlearn by the light of modern science as there is to learn, and its first application should be to sweep away the dust and cobwebs of ages, the effect too frequently of prejudice and lies. Modern writers discard the testimony of all our ancient chroniclers, in all matters except those of Saxon history, on the sweeping charge that they are monkish lies. We owe a deep debt of gratitude to the monks of old, for whatever is authentic in our history, from the departure of the Romans until the restoration of order by the Danes, is given to us by them. It is doubtful whether there was one writer during this period of the Saxon race. It is certain that there was none of any authority; and if occasionally amongst these monkish histories we find errors and misstatements, they are not always to be attributed to an intention to deceive; and where they are, in many instances, the purpose producing them is obvious and comparatively harmless. To take the works of the Venerable Bede, the greatest of all our monkish writers, how easy it is to separate whatever is fabulous from reality, and how clear it is that the writer, even when he was most wandering from the truth, was intending humbly and faithfully to do his duty. There is a mine of wealth in his works, the greater part of which in these enlightened days are unknown or forgotten. When shall we have a chair set apart for the study of early British literature?

In later times, when the people, and especially the fat monasteries, were groaning under the exactions and tyranny of the Normans,—we learn from Bede the reason for making so many of the fattest of these monastic houses, that indeed they were sham monasteries, which were not founded for religious

purposes, but which were erected simply to enable their founders to escape taxation and confiscation, and that they were inhabited by sham monks,—no doubt many gross lies and wicked forgeries were perpetrated to protect these possessions, and hence it is that we have so many lies respecting the Saxons foisted upon us. From an unholy source we can only expect a foul outpouring; but even the lies of these men, unfairly imputed to the Church, are of value to the historian, for many germs of truth may be sifted from them, though the process may be uninviting and dispiriting.

But what are all the lies of all these ages put together, compared to the infinite variety and enormous prodigality that has distinguished our writers since the “Great Reformation?” It is not too much to say that, compared to them, the monkish lies are as a molehill to a mountain, though no doubt this result is partly to be accounted for through the facility given for their propagation by the invention of printing. The monks were incited to lie in order to save their goods and themselves from the hands of the spoiler; but Protestants have lied to cover every iniquity, to assist the claim of every party, to vamp up the credentials of every monstrosity in religion. If we find educated and highly-trained men, taking down and worshipping the fragments of that poor idol Saxonism—from perhaps only a natural motive of flattering the great—how shall we be surprised to find that the facts of history are perverted, twisted, and converted into lies to serve the exigencies of party purposes? Since men have given up the faith, and have each of them set himself up as a Pope and guide for his own conscience, it is

not to be wondered at that in mere matters of history and law they wander so woefully astray. They deviate from the truth unwittingly, because they acknowledge no authority but their own reason. Hence they worship themselves, instead of truth; and in bowing down to what they are pleased to call intellect, they bow down in blind submission to every imposture; instead of attaining to the truth, they only create a second Babel.

## CHAPTER II.

### ON THE EVIDENCE TO BE DERIVED FROM THE LAWS OF A NATION.

IT is a self-evident proposition that the history of a people, of their race and language, is directly akin to a history of their law; for it may be broadly laid down that no nation in the history of the world ever adopted and passed off as their own the laws of another. Whenever Roman or Grecian laws, or the laws of any other country, have been imposed upon a conquered state, that state has always acknowledged the paternity of such law. In Scotland, at this day, the Roman law is openly admitted to be the basis of the public law of the country; so it is in Germany; and in those parts of Germany which were conquered by France, and which still retain the French laws, although the name of France, and especially that of Napoleon, must be held in bitter hatred on account of the slavery to which he subjected that people, the law is not called German or National, but openly and simply the Code Napoléon. A nation which continues learned enough to retain the use of laws, necessarily retains with them their proper name; hence it is of the greatest value to the English historian to examine the state and history of the English law, just as the lawyer is compelled to

resort for proof of the law of his state to the annals of his race. These investigations should proceed *pari passu*, each counteracting and correcting the errors which inevitably creep into and corrupt the history of the other.

A careful examination of the subject will discover that the same ignorance of true history which prevails amongst our annalists and historians is common to our greatest lawyers.

The history of the Common Law of England has indeed yet to be written. No writer has attempted to give a full account of it, and very few have done more than point with an uncertain finger to a possible origin. The few writers who have entered at all upon this field of inquiry have quietly ignored the period of our early history, taking for their starting-point some safe spot within the period of legal memory; whilst others, more rash or ignorant, have denied that our law had any ancient existence, upon the supposition that Cæsar's libels upon our forefathers were actual historical facts.

Some, more precise, give it a Saxon or Danish, and some a Roman origin; but these writers forget that its very name is suggestive of a different source. It is clear that it is the law of no one nation, but the common law of many, although naturally enough, Britons or Angles called it the Common Law of Anglia, that it governed Britain and Gaul at a time when Wales was part of Britain, and that it was the common property of all the nations resident within their limits.

The complaint that no writers have treated this subject, is not a new one. Lawyers have been reproached for their negligence time out of mind. The

learned Spelman " marvelled how it was that my Lord Coke, who had adorned our law with so many flowers of antiquity and foreign learning, should not turn aside into the field of Roman law, from which so many roots of our law have of old been taken and transplanted ; " and he expresses a desire that " some one would read them diligently, and show the several heads from which these of ours are taken." The learned Spelman was not aware with Lord Coke that grave difficulties were opposed to such an affiliation, and that in truth very much of what he mistook for Roman law was derived by both Rome and Britain from a common source. Spelman himself declined the task from a mistaken idea which modern science has exploded, that all in our own law which was older than the Norman Conquest, and which was not Roman, was of Saxon origin, of which pseudo language and literature he was too profound a scholar to pretend to be a judge ; in fact, Saxon literature puzzled him as it has puzzled many others, having no history or theory to account for its existence.

That great historian of our own times, Henry Hallam, deplored that no one had fairly traced the influence of the Roman jurisprudence upon our own laws, which he considered to be " much greater than its professors were ready to acknowledge." This unreadiness on their part may easily be explained. Bracton has been charged by an eminent writer with putting off as a compendium of English law, a treatise of which the entire form and three parts of its contents are borrowed from the *Corpus Juris* ; and the same writer (Sir H. S. Maine) adds " that there is reason to suspect that the judges of the 13th century borrowed freely, but not always wisely, from current

compendia of the Roman and Canon laws; but that storehouse was closed as soon as the points decided at Westminster Hall became numerous enough to supply a basis for a substantive system of jurisprudence;" and in another passage, "The elder English judges did really pretend to a knowledge of rules, principles, and distinctions, which were not entirely revealed to the Bar and the lay public." There is great truth in both these charges, and also in the charge which the same writer brings against the early ecclesiastical chancellors, of contributing from the Canon laws many of the principles which lie deepest in the structure of our common law; and he adds, "The Roman law was not seldom resorted to by a late generation of Chancery judges, amid whose recorded dicta we often find entire texts from the *Corpus Juris Civilis* embedded, with their terms unaltered, though their origin is never acknowledged. Recently the mixed system of jurisprudence and morals constructed by the publicists of the Low Countries during the 18th century, had considerable effect on the rulings of the Court of Chancery." All this cannot be denied: unquestionably ever since the Norman Conquest our judges have imported the precise decisions which the civilians and canonists presented ready to their hands; but it is assuming too much when it is asserted that these texts were entirely new to our law; their principles in most cases were already embedded in it, having been derived from the very sources from which the Roman jurists took them, and it is only due to the laziness or ignorance of our judges that any borrowing was ever resorted to. They have, indeed, borrowed the form and very words of the decisions, but not the principles; many of these

principles are indigenous. It is not therefore surprising, either that scholars and historians of the highest order should fall into the errors which so great a jurist as Sir H. S. Maine has adopted, or that our great lawyers should refuse to follow in their wake, and should remain content to leave the subject in abeyance. It is very difficult to trace the influence of the Roman law upon our own. It is almost impossible to say what has been borrowed, and what existed before the borrowing. To do this does not only require a pair of scales; it demands a knowledge deeper than the analyst's, a power of determining the circumstances as well as the subjects.

Happily, in the history of our Common Law we have many kinds of evidence, external as well as internal, by which to guide ourselves, and very much of it is incontrovertible. Going backwards from the present day we have a regular current of decisions and judgments up to the time of legal memory; an almost inexhaustible fund, which up to this time has been very nearly a dead letter.

In the treatise of Glanville we possess an admirable relic, a treatise of law which is purely English, not only in method, but in its principles, and hence, of course, it is entirely forgotten. It was written as an exposition of our laws; and it is fully borne out in its statements by existing records, at a time when no other country can boast of a single legal record.—Glanville proves, even better than the statutes and ordinances which we still possess, that William the Conqueror did not abrogate or change our laws, but retained the whole of them; for we have here the complaint of the judge of the multiplicity of laws which were then existing. Each county, he tells us,



had its own private laws, varying from the others. If William the First had changed our laws, in so short a time from his death—little more than half a century—there must have been an absolute uniformity, or very nearly so. Glanville, therefore, is a direct witness that William made no change. The Conqueror, in his proclamation, pledged himself to maintain the laws of his predecessor, Edward the Confessor. Glanville proves that he kept his word.

Modern historians have jumped to the conclusion that our laws are necessarily of Saxon origin, because modern writers have asserted that, under the Norman kings, they were so called, and because Edward the Confessor was a Saxon; and they are especially fond of asserting that we owe to Alfred the Great, King of England, very many of its best institutes, and especially that this country was divided into counties. It is bootless to prove to them that Alfred the Great was never King of England at all, and never more than a subregulus, a tributary prince of the kings of Denmark; that his title of the Great was an invention later in date than the period of the Great Reformation; or that the division of England into counties was of older date than the Roman invasion—that it was, in fact, as the diversity of the laws of each county incontestably proves, a natural division of separate nations,—for it is answered that the proclamation of William the Conqueror proves that our laws were of Saxon origin.

In the first place, the whole story of a restored Saxon monarchy, in the person of Edward the Confessor, is a fable. There was no idea of restoring the partial rule of the Saxon Reguli;—the miserable

massacre of St Brice had disposed of them and of their pretensions for ever. Edward was not looked upon as a restored Saxon, but simply as a son of the famous Princess Emma of Normandy, the wife successively of Ethelred and of the Great Canute. Although his father was a Saxon, Edward himself was bred a Norman at his mother's native court. During the whole of his reign, the Norman, and not the Saxon tongue, was the court language of this country, as it had been ever since the reign of Sweyn, the uncrowned Danish King of England, the first real monarch of this country since the departure of the Romans. To be consistent, if Edward the Confessor is to be regarded as a Saxon, and his reign as a restoration of Saxon power, George the First must be regarded as a German, and his elevation to the throne as a transfer of this country to a German dynasty. But to dispose of all Saxon pretensions, we find that Edward the Confessor, the supposed restored Saxon, declared that he would rule, not according to Saxon laws, for they had none, but according to the laws of the Great Canute; and here the authenticated pedigree of the English Common Law commences. For though the separate Saxon and English kings each doubtless ruled according to the laws of his predecessor, yet as no one of them was ever sole monarch, at any rate in more than name,—if, indeed, he took the name, for that is very doubtful,—they must have ruled each his own kingdom by the private and separate laws of each county or division of territory, and subject to, rather than by, the Common Law.

The whole story of Norman rule in this country is based upon fiction. It began, not with

William the Conqueror, as Mr Freeman pretends, but with the elder Danish kings, his ancestors, who, though they did not reside in this country, held vast possessions within it, and received tribute from the remaining portions, permitting the Saxon and English Reguli to govern, and to collect this tribute for them, just as the Romans in their day, and subsequently the Carlovingsians, had so permitted them. We know so little of the true history of this period, that we do not even know the names of these rulers, until we come to Guthran and Sweyn. But even from the so-called Saxon histories of the several counties they held, we find proof of the supremacy of the Danes, though generally, except when they chose wholly to set the Saxons aside, their very existence is ignored. But how absurdly inconsistent with their departure is the fact that Alfred, King of all England, was frequently a mere wanderer in his own petty dominions, stript of every particle of authority, and the sport of every accident. There can be little doubt that the dynasty (if we may apply so high a term) of Alfred, reigned in West Anglia, which formed a portion of the West of England, not by right of conquest, but by law; and this must either have been, as it probably was, through the distaff, or because his family were of British or Roman origin, most probably the latter. The forged pedigrees of all the Saxon Reguli, as we shall presently see, take them all back to one ancestor, altogether an improbability, almost an impossibility, considering that the people they severally ruled over were of utterly different races, and had no kind of connection together. But inasmuch as these forgeries were of a late date, no attention need be paid to them, even on the ground of a pro-

bable approximation to truth. One fact alone disposes of a Saxon origin for the race of Alfred. No Saxons ever permitted females to rule over them—so savage and barbarous a people could not sufficiently respect the weaker sex. But this was permitted by British law; and we find that a queen, at a very early date, ruled over West Anglia; and once we find a queen-consort, an equally un-Saxon custom. It must not be forgotten, too, that the name of Wessex, by which modern writers coolly describe West Anglia, as if they were identical, is probably a modern forgery. •There may have been a Wessex immediately adjoining Essex, though in all probability, Eastsex, Midsex, and Sussex comprised the whole dominions ever occupied by Saxons. The true name of the province now termed Wessex was West Anglia, a name it probably bore in very early times, possibly upon the division of Britannia Prima, after the departure of the Romans, if not before their arrival—West with reference to East Anglia, and not as opposed to Essex.

It is important to bear these facts in mind, in order to get rid of the idea, the vulgar idea, that the conquest of William was a great change in the history and law of our country. William was naturally regarded as heir to the kingdom, simply because by the accession of Edward the Confessor it had not become Saxon, but had remained Norman. Edward's parentage gave hopes of succession to the Saxons; but they were not shared by the bulk of the nation, nor were they regarded with consideration by other nations. The Pope, then as now the great arbiter of right and wrong, unhesitatingly espoused the cause of William, and the country readily

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acquiesced in his decision. William's personal vanity may have induced him afterwards to treat that as a conquest which was, in fact, a right; but this would only prove how firmly he rested in his security. It is, however, very doubtful whether the title of Conqueror was intended to indicate more than the fact that the possessor did not inherit the kingdom in regular succession, as William, in fact, affected to have acquired the throne by virtue of the will of the last monarch, and it was that title which he subjected to the arbitration of the Pope, although in fact he acquired possession of it by conquest. It is, however, hardly probable that whilst he respected the law so scrupulously he should discard his legal title. We must look, therefore, to the epoch of Canute as the most remarkable and important in our history; and we find, from the internal evidence of the laws attributed to him, from the Chronicles, and from the laws of his successors, that generally he took the laws from the several provinces, as he found them, and only proposed to alter those which were unjust. In fact, taking the reins of all the governments into his own hands, he agreed to govern according to the Common Law. If, then, he accepted the law and ordinances of each separate state, as he clearly did, it may be contended that he adopted in part Saxon laws. But the so-called Saxon laws were the ancient laws of the kingdom, which the Romans respected and adopted, and which were never displaced by the Saxons, simply because they had no laws of their own; and as their so-called codes disclose, they had the feeblest conceptions and ideas of altering and composing laws, it was only natural, and in accordance with the practice of all barbarous nations, save

of those who, unlike the Saxons of England, had some sort of system of their own, that they should adopt the laws which they found. Indeed, on no other condition than as peaceable settlers could they have obtained such hold upon the English nation as to induce them to live peaceably together. To believe that they were strong enough to set aside British laws and customs for their own, is to believe the monstrous figments of Sir Edward Creasy, and his absurd theories, so contrary to all experience, of the total extermination of the British population. If the absolute identity of our Common Law with the pre-Roman British law be clearly proved, then the importance of the age of fable which separates these two periods of fact quickly disappears; for it requires no demonstration to prove that at no period subsequent to the Saxon era was the British law reimposed upon the people. Indeed, we can prove the contrary, as we can clearly prove, as has just been shadowed forth, that no change has been made since the accession of Canute. Irrespective of the question of identity, it is a fact capable of proof that the British laws were never displaced by the Romans, but that they were respected by them, and adopted for the purposes of the government of the Britons with the British language.

## CHAPTER III.

### THE COMMON LAW OF ANGLIA.

IT is indeed a fact that the Common Law of to-day is the Common Law of the ancient Britons, whom Cæsar libelled in his day, and whose descendants retaliate upon him in this. Its changes have been gradual and partial, not violent and convulsive, like the earthquakes and floods of nature, which hollow channels in rocks, efface forests and the verdure of the plain, and which utterly destroy the landmarks of the country,—but gradual and partial,—it may be silting up here and there, or clearing out a channel partly effaced by time, but still substantially retaining the ancient methods, and keeping closely to the well-known and well-beaten paths of antiquity.

This stability is owing to the inherent greatness of our law, which has commanded the respect of every nation and people who successively invaded this country,—Romans, Franks, barbarians, and Normans, each in their turn spared it, and appealed to its protection. The Romans exercised the greatest influence upon it; but their chief alteration, if indeed it was not an indigenous principle of our own, that of dividing the legal from the equitable jurisdiction, is rapidly melting away, and the Britons of to-day are reverting once more to the simplicity and unity of practice of their forefathers.

In order to prove these theories, it would be necessary, not only to diverge into many curious historical inquiries, and to weigh, and if possible to determine, some of the disputed problems of antiquity, but to dispel, and to destroy also, some of the crude and dishonest dogmas of the present day; for involved in this view lies the controverted fact of the very existence of Britons and of their descendants. Writers of the highest note in these days are not afraid to assert that the British under the Saxons were exterminated, and that the Britons of to-day are Teutons, and owe everything glorious in their character to the Saxons. Sir Edward Creasy writes thus plainly and distinctly, though he in a subsequent part of his work admits an influence from these same Britons, whom he had previously so summarily disposed of. And if writers of his mark can publish such statements, it is absolutely necessary to prove every step in our history, so far indeed as proof is possible, and to refrain as much as possible from assuming anything. It will be seen, then, that the history of British law is involved in the history of the British race, and that they mutually illustrate and enlighten each other; that indeed, without the other, the proof of each is imperfect, and therefore that every fact of history and law must be enlisted in the proof of the propositions sought to be established by these pages.

If it be true, as Macaulay has stated, that an age of fable separates two ages of reality in our national history, that space, so far as the history of the law is concerned, is bridged over by a remarkable work, which is the keystone of our legal history, and which cannot be appreciated too highly. The laws of Howell Dda, which were codified just half-



way between the periods when Roman rule swayed this kingdom and that of our legal memory, present to us almost a perfect history of the law down to his death, and enable us, by retrospective comparisons, to prove the identity of the law of our day with that which existed before the time of the Romans. It is remarkable that it is owing to the influence of Roman law and customs that we possess this priceless collection of British laws. There is every reason to believe that until this period, about the year 914, the British Common Law had remained (as it is, indeed, partly at present) an unwritten law. Like the laws of the Greeks, it reposed in the breasts of her sages, a thing too sacred to be embodied in mere forms; and it is probably owing to the Roman origin of Howell Dda himself, that the Roman custom of defining and codifying the laws was applied to the laws of Britain, for probably the laws of Moel Mud were only committed to memory. The British intellect, though as mobile and elastic as the Greek, was as incapable of confining itself in the trammels of legal formulas. Maine has laid it down broadly, that *codés* everywhere at the same period in the life of a nation, take the place of usages deposited with the recollection of a privileged oligarchy. In Britain, at any rate, it took many centuries after the destruction of such an oligarchy for the kings who succeeded them to arrive at such a pitch of refinement.

It is highly interesting to read, concerning the origin of Howell's law, how carefully the jury of twelve from each Cantrewe, just the jury of each county of our day, were summoned to declare and enunciate the law as it existed (the very precedent followed by William the Conqueror, when he undertook to

ascertain and govern by the Common Law),—how the great and learned amongst the bishops and nobles assisted,—and how reverently and piously the product of their labours was submitted to the supervision and for the approbation of the Pope, lest amongst these ancient laws, which had governed this land for ages before the birth of Christ, anything incompatible with Christianity might have crept in, and so have leavened the whole,—how Howell himself, with the chief of the bishops and nobles, went to Rome to read their work to the Pope,—and how a copy, written doubtless in ecclesiastical Latin, and which was, as we know, translated into British for common use, was deposited in the Sacred College, where it is probably still resting with the dust of ages—of nearly a thousand years—upon it.

And when the Papal sanction had been given to the work, and the Papal benediction had been bestowed upon it, how solemn and praiseworthy was the mode in which Howell the Good—he who won his honours in his own day—promulgated and dispersed it amongst his own people. This was the book of their law, and it is ours also; it is an exposition of the law as it existed during the Roman occupation,—not the Roman law, though of common origin with that law, and with the laws of the Greeks, from whom the Romans obtained their own.

It will be useful to endeavour, if possible, to gain some knowledge of the status of the people who inhabited Britain prior to the Roman Invasion; for if we know their condition, we shall be under less danger of attributing too much influence to the Roman laws; and if they derived their laws from the same source from which the Romans themselves

obtained them, this may account for a great similarity between them,—a similarity so marked, that the Romans would have no difficulty in accommodating themselves to the existing institutions, and so of flattering the Britons that they had made no change amongst them, but had themselves adopted the British laws.

This inquiry is difficult, and to some persons it may be tedious, but to the lovers of truth it is intensely interesting; and too much stress cannot be laid upon the necessity for a full investigation into the subject, for no reasonable person can doubt that the innate love of liberty and law possessed by every true Briton is only an appreciation of his just inheritance. No people but the British could have passed through such periods of trial, could have been afflicted by such grievous occurrences, and yet have preserved intact this precious inheritance. If, indeed, as Professor Creasy asserts, the British had been swept away, their laws would have died with them, but the fact that our Common Law is identical with the laws of Wales, and much of it similar to the Breton, Cornish, Irish, Pict, and Gaelic laws, proves the contrary of this assertion. Neither Saxons nor Danes nor Romans would have retained the grand principles and the niceties of the British Common Law; they might have gathered some of its outward forms, but assuredly they could not have grasped its spirit. The nation only to whom it belonged could do this, and they might retain it, although they lost their common language; for it is easier to change the form of words than their spirit. If a barbarous people like the Saxons adopted a foreign tongue, they did not change their

ideas; and if the polished Briton adopted the use of a barbarous phraseology, he would stretch it and polish it in conformity with his thoughts. His ideas he would never lose; and hence we have only to know that our Common Law and the law of the ancient British is identical, to be sure of our affinity with that ancient race. Sir H. S. Maine (*"Cambridge Essays,"* 1856) speaks with contempt of the belief, which he is pleased to call vulgar, that the English Common Law was indigenous in all its parts, and considers that the honesty of the historians who countenanced it can only be defended by alleging the violence of prejudice, a defence which to some minds may appear indefensible. But is it true that because a comparison of Bracton and Fleta with the *Corpus Juris* of Rome shows that the lawyers of that age, at any rate, copied from that source, that therefore our Common Law, as a system, is not indigenous?—and this is the tendency of Sir H. S. Maine's argument. Granted that the Norman lawyers were deeply versed in Roman law—who disputes it? What is more natural than that they should engraft upon the Common Law of England, as they found it, the later additions of Roman jurists. What does this prove? Nothing more than that they found here a system capable of such improvement. Our knowledge of the ante-Justinian Compendia and the discovery of the MS. of Gaius, although it has increased our acquaintance with the Roman law in the only form in which it can have penetrated into Britain, does not advance the proposition that it was affiliated at an earlier date than the Norman era one step. For if we remember that both Rome and Britain obtained their law from the one fount—a

common fount from which also outpoured the wisdom of the Greeks—we have no difficulty in understanding why the Romans respected and protected British law, and did not displace it by their own. Even if evidence could be found to prove that the alterations of Roman law, which were made after the Romans had left this country, found a residence here during the barbarous period of Saxon and Danish rule, it would prove nothing; for as the only educated people were the Romish clergy, and they were the administrators of the law, finding the system very similar, they would, perhaps ignorantly, or it may be designedly, incorporate with it any such additions and corrections, just as undoubtedly did the Norman lawyers in after days. To concede the principle contended for by Sir H. S. Maine is to state that the Romans swept away British law, and deliberately substituted their own for it; for certainly none but the Romans ever had sufficient power for the purpose. But this, we know, is contradicted by undoubted history, and is as clearly contrary to fact as any fact of history that we possess. 15225.

The late George Spence, in the opening chapters of his wonderful “History of the Equitable Jurisdiction of the Court of Chancery,” has failed to point out the true origin of our law, but he has clearly disproved the claim of the Saxons. Referring to the Saxon codes, he writes:—“With regard to questions upon the new modifications of property which had taken place, they are silent on this head. The Saxons were almost compelled to adopt, to some extent at least, the institutions of the conquered, or they would have had to construct a system of jurisprudence from the very foundation, for they had no

customs purely their own to embody or enforce." And referring to the relation of lord and vassal, he adds, "The institution in England, as well as on the Continent, formed one main basis on which the feudal system was reared, and exhibits many features which cannot be explained consistently with history, by reference to the ancient German institutions alone. But, assuming that it was deduced from the relation of patron and client, and patron and freedman, I conceive that its peculiarities will be accounted for, and to that source I do not entertain a doubt that it must in great part be referred." And he adds, "Looking back to the connection of lord and vassal in all its bearings—and this impression is not removed when we view it in its maturity—it is impossible not to see that the principles on which it was founded were domination on the one hand and severity on the other, under the name of protection and reverence. Such a system is perfectly congenial with the aristocratic principle that prevailed in the Roman dominions whilst the Republic endured, and which was incorporated with the principles of despotism which were introduced during the Empire. But to suppose that it originated in the wilds and forests of Germany appears to me to be inconsistent with history; and, looking to the condition of the ancient Germans, wholly irreconcilable with probability, how these principles were moulded and controlled in practice is quite another matter." And speaking of the Saxon oath of fealty, he says, "This revolting ceremony may well convey a doubt as to the often talked-of freedom of the Anglo-Saxon people—(is there not, indeed, a doubt as to the authenticity of this oath)." Again, he adds, "Some of the cities and towns in England

had property to manage, and there are notices of guilds or companies in some of the towns which cannot have been of Teutonic origin ;” and again, “The system of judicial organisation which prevailed in the several courts, and it was nearly the same throughout Europe, cannot be considered as German.”

When we remember that this great writer had adopted without suspicion the fables of Saxon literature, that to him Hengist and Horsa and the great doings of Alfred the Great were realities, we cannot sufficiently admire the incisive logic, the keen, intellectual intuition which enabled him to arrive at the truth, and to ascertain it with so accurate and unerring an aim. True, he has not indicated the precise source, but it is a kindred one, and one which possesses the very characteristics which are to be found in their British origin. If the lamented writer has not entirely lifted the veil of prejudice from our eyes by dispelling the mists which he charitably attributes to a spirit of patriotism, he has done much to enable us to proceed with confidence. He adds that “Spelman, Sir M. Hale, Robertson, and Blackstone, traced our laws and institutions to the ancient institutions and customs of the Germans, simply from a patriotic feeling.” In doing this they were doubly mistaken, for they discarded their own country for that of a people who had no connection with her, and gave them honour where none was due. True patriotism enables a writer to speak the truth fearlessly, whether it be to sing our praises or to expose our weaknesses. In the long run it must be beneficial, by teaching us to avoid the errors of the past, and to renew the period of our ancient glory.

## CHAPTER IV.

### THE CELTÆ OF EUROPE AND THE SAXONS.

THE first question to be determined, if possible, is that of the nationality of the British people, and it will be best to clear the ground of the latest imposture—that of their supposed Saxon origin.

The Saxon pretensions can be readily disposed of. First, it is important to remark, that never at any period of its history was this country, either by its natives or by foreigners, called Saxony, as it must have been if its chief inhabitants had been Saxons. Three small counties were so called, and they still retain the name. As at the time of the Norman Conquest no other part of the country was called Saxon, except, it may be, certain settlements in Scotland beyond the Roman Wall, in all probability they comprise the whole of the country that was ever peopled by the Saxons; for that period it was when Saxon sway and power culminated. It is therefore absurd to suppose that any Saxon county had then lost its name, or if it had lost it previously had failed to have it restored. Mr Freeman, writing in the *Saturday Review*, asserts that England was once called Saxonia, but this is a statement without any proof, and utterly false. Probably he has seen the Chronicle of the Picts, in which the word is used to designate



not the whole of the Island, but that part of it near the Roman wall, which was partly occupied by a small colony of Saxons ; for it is highly probable that these sea-robbers made small settlements on all parts of the British coast where they were not prohibited ; and besides, the MSS. in which the word is to be found is of the 12th or 13th century, the worst period of Saxon literature. The best refutation consists in the fact that the Saxons themselves invariably called themselves Angles wherever they resided beyond the pale of the small Saxon counties. So unimportant a section of Britain were the true Saxon settlements that Bede, who resided in the north, had not even heard of them ; and in enumerating the different languages and nationalities which existed on the Island at his date, he omits all mention of Saxons and of their language. This is not a matter of a name being accidentally omitted under successive copyists, but a positive fact of the greatest value. The number of nationalities, &c., is twice mentioned as five, and these are fully accounted for. The great importance of this fact is to show clearly that all the matter included within our version of Bede's history relating to the Saxons, has at some period been interpolated together with all the absurd Saxon pedigrees. If these matters are not foreign to the book, how can we account for its title ? If Bede included them, it is not simply an ecclesiastical but a national history. Modern historians appear to have invented the term Anglo-Saxon ; no such name was ever applied to this country, nor does it appear in any authentic documents. In the ancient Runic inscriptions the name of the country is said to have been written *Ingland* or *Igland*, but the writer has been

so unfortunate as to miss finding any containing this name, and he ventures to doubt the fact of their existence. By the Romans the country was called *Anglia*, and at a very early period the Saxon *reguli*, like the other chieftains, invariably styled themselves *Kings of the Angles*; from this fact it has been inferred that *Angle* and *Saxon* are convertible terms, but the composite word *Anglo-Saxon* would seem to dispose of this argument, even if facts did not entirely contradict it. The term *Saxon* was clearly not a national name, but one applied by other nations to confederate populations. The proof of this consists in the facts pointed out by Latham, that each tribe who bore the name of *Saxon* had as well another name by which to distinguish themselves: the Saxons of *Holstein* were called *Nordalbingians*, *Ditmars*, &c., &c.; the Saxons of *North Germany* were called the *Phali*; and some of these tribes of so-called Saxons had no sort of connection with the others—some indeed were *Slavonic*, others *Teutonic*. *Isidore*, Bishop of *Seville* (A.D. 601), vol. III., p. 413, of his "*Origines*"—one of the earliest notices of the Saxons, gives the clear etymology of the name, and shows also why it is that they had no particular nationality. He writes, "*Saxonem gens in oceani litoribus et paludibus, inviis sita virtute atque agilitate, habiles unde et appellata quod sit durum et valedissimum, genus hominem et præstans cœtoris piraticis.*" *Isidore* showed no desire, but the contrary, to disparage the *Gothic* races; and if any confirmation be required, it is to be found in the works of *Adamus Bremensis*, who ought to know the truth. Writing in the 11th century, he adds, "*Saxones gens ferocissima, virtute et agilitate, terribilis in oceani littore habitat, inviis*

*inaccessa paludibus.*" The author thinks that Bishop Percy, in his "*Northern Reliques*," gives the same derivation of the name. The truth is, that "*Saxon*" was a term of reproach, and not the name of any nationality; and though it was applied by contemporaries to some of the natives of this country, it mainly was intended to designate them as assassins, people who carried short swords for piratical purposes. To the Franks, as well as to other nations, the Saxons were those who were not of themselves pagans—men to be exterminated—robbers, wanderers, settlers, vagabonds. Dr Whitaker would, however, give the Saxons a Celtic origin, and his theory is at least very ingenious, but, whilst the greatest British and Roman scholar, this writer is not to be so much depended upon in German or Saxon matters. On these matters, as well as on everything relating to the Church, we cannot accept him as an authority. Dr Whitaker derives the very name of Saxon from a Celtic source; he would identify them with the *Suissones* of Belgium, now called the *Soissons*. He justly states that Saxon is almost always pronounced without the *x* being pronounced hard. In the Netherlands they were called *Sassen*, *Sasan* by the Scotch, *Saison* by the Welsh, and *Sasenach* and *Sasanach* by the Irish. He contends, with much plausibility, that they took their name from their settlement on the *Aisne* or *Axon*, and he adduces a most perplexing argument from the fact that the *Saessones* are clearly denominated *Uessones* by Ptolemy, and that the Saxons are called *Axones* by Lucan (*Ptol.* p. 53. *Bertram and Lucan*, l. 423).

The position of the Saxons, according to Ptolemy, was immediately to the south of the *Cimbri*, extend-

ing from the Isthmus of the Chersonesus to the current of the Elbe.

Dr Whitaker identifies them with the Ambrones of Plutarch, or Ambiones of Dio (Nennius, Bertram, pp. 140, 143). If this be correct they may be Celtic, for Ambron is Celtic for "Firm," another form of which word is Cambrones, which is the same as Cimbri, and the learned Doctor asserts that the Saxons were so called by Tacitus (c. 37, compare with Plutarch, p. 50, vol. ii.).

There can be little doubt but that the Cimbri—who with the Teutons, amounting to some 300,000 men, marched across Europe into Italy, and under the consulship of Marius, and through his valour, met with so disastrous an end—were a branch of the Celtæ who, dwelling on the extremity of the Gallic dominions, and intermixing with their Teutonic neighbours, were, like them, more savage than their brethren. The Roman writers unhesitatingly call them Celts (Appianus in Illiricis Cimbros Celtas, addite "quos Cimbros vocant" appellavit et evolor Florum, lib. 3, c. 3. Salustium Bell Jugurth in fine Rufum Brev. cap. 6, qui omnes Cimbros deserte Gallos et ab extremis Galliæ profugos nominarunt Speneri Notiti Germaniæ Antiquæ Hal, Magd 1717, 4to, p. 123). The fact that they entirely separated in their march through Italy shows them to have been distinct people from their allies. Just such an influx of people under the name of Saxons invaded us, when, some 500 years later, they had recovered from the terrible slaughter under Marius, and had again become a formidable and over-populous nation. Still they were Celtæ, although doubtless not without a large admixture of foreign blood. Hence Dr Whita-

ker is doubtless partly accurate, and he may be quite correct as to the derivation of the name which intruders upon the Celts may have adopted.

The learned Dr Whitaker contends that the 30,000 Ambrones who, in the invasion of Italy, were principally concerned in cutting to pieces the armies of Mallius and Cœpio, were Saxons. This name was undoubtedly used by the Ligurians of Cisalpine Gaul, as both found to their surprise (Plut. 506).

Dr Whitaker is more fortunate in his derivation of the word Angle, which has puzzled every one who has endeavoured to investigate the subject. His derivation is absolutely faultless. An-gael, or The Gaul, is clearly the meaning of Angle, just as the Calites became the Ancalites of Britain. This is a derivation which no scholar can doubt, for the Angles are found at the earliest period of their history known to us, to be in possession of Gallic speech, laws, learning, and religion. The derivation of the Saxon name would be as perfect, if but the same characteristics and possessions accompanied it, but unfortunately we have no proof, but the contrary, of the Saxons having possessed a single Gallic qualification; and thus we have only a name by which to guide us, and that not quite clear and distinct; moreover, it is a double name without any clear proof of affinity.

A further proof that the Angles were Celtæ is to be derived from the position on the Continent assigned to them by Bede and all subsequent historians. They resided in the Cimbrich Chersonese in advance of the Saxons, who hemmed them in on the south. Now assuming this tradition to be correct, it accounts in a great measure for the name of this island being Anglia rather than Saxoniam. As the Angles were thus

placed nearer to us than the Saxons, it is only natural that they should have preceded them in the occupation of this country. The inhabitants of this part of the country were clearly allied to the Belgic tribes who overran the southern portion of England, to the exclusion of a great portion of the original inhabitants; and it is only natural to suppose that at the same time the Anglian immigration would be proceeding along the eastern and northern coast of Britain. Hence the whole of this ground would be preoccupied before the advent of the Saxon population, and accordingly they would be compelled, as we find they did, to curtail the limits of their settlements. That this Anglian immigration of the north and east, like the Belgian of the south, took place at a very early date is clear beyond all doubt, and probably several centuries before the invasion of the Romans. That this must have been so, if we accept the theory of these invasions in point of time, is clear from the fact that during the Roman occupation the Saxons even then were settling upon part of the coasts.

The broad line of nations which extended along the ocean, and reached to the borders of Scythia, were all known by the learned in the days of Diodorus by the name of Gauls (p. 355, Plutarch's *Life of Marcus*, p. 495, vol. ii., Bryan): that is, as Celtæ.

So the Cimbri who were seated near the channel of the Rhine, and who inhabited the peninsula of Jutland, were denominated Celtæ by Strabo (pp. 449, 450); and Diodorus tells us that they were the descendants of those Gauls who sacked the city of Rome, who plundered the temple of Delphos, and who subdued a great part of Europe and some portions of Asia (p. 355).

Dr Whitaker tells us, on the authority of Cæsar, Tacitus, and Livy, that in the earlier part of Gallic history the Celtæ of Gaul crossed the Rhine in considerable numbers, and planted various colonies in Germany; thus the Volcæ Tectosages settled on one side of the Hercynian forest, and about the banks of the Necar; the Helvetii upon another side of the forest, and about the Rhine and the Maine; the Boie, beyond both, and the Senones in the heart of Germany. Earlier information than that given by these writers would lead us to imagine that the Celtæ were the original possessors of the country; at any rate, long prior to the arrival of the various Gothic tribes who were pressing on to the Rhine, a barrier which even in our day they have only just crossed; and by which, when France has aroused from her lethargy, they will probably again be kept in check. However, from these facts, Dr Whitaker argues that the Treviri, the Nervii, the Swevi, the Marcomanni, the Quadi, the Venedi, and other tribes in Germany, were all of Gallic origin, as they betrayed their Gallic origin by their names. Strabo considered that all the Germans were Gauls in their origin (p. 444); so those who live beyond the Rhine, and are called by Tacitus native Germans, are called Gauls (Galusii) by Diodorus (c. 28, and p. 390), and Dion (p. 216 and 704). And in further illustration of the fact, Dr Whitaker cites Tacitus (c. 43, p. 43), in proof that at the conclusion of the first century, one nation on the east of the Continent was speaking the language of Gaul, and another upon the northern side of it a language nearly allied to that of the British—proof of the foreign relations of the Britons, and their identity with the Gauls, but nothing more. Dr Whitaker

proves here too much, or rather he confounds dates. No doubt, at one time, the very soil on which every German now resides was Gallic, and according to the German arguments in favour of the annexation of French provinces good ground for a general annexation of Germany to France; but this is no proof of the identity of the Gallic and German races. They simply succeeded each other on the Gallic soil. That Germans, especially in those provinces nearest the Rhine, include within their ranks a large amount of Celtic population is clear, just as in Bavaria and the southern states of Germany and Austria there is a great admixture of Slavish and of Roman blood. No country in Europe is pure except in such places, perhaps, as East Prussia, where they are protected on one side by the sea, and on the other by their own countrymen; and even in those places it is difficult to say that a few inroads by foreigners have not been made. There is very little doubt but that the Gothic race, in its course through Asia and Europe, advanced onward by peaceable means, incorporating themselves gradually with the natives of the countries through which they passed, and it was only when they began to edge out the original inhabitants, and increased too rapidly, that wars ensued between them.

That the inferior portion only of the inhabitants, the mere tillers of the soil, remained, there is little doubt; for they could not have been disposed of except by incorporation. If they had been exterminated, or ousted from their homes, wars of a terrible nature would have been the result, and we must have had records of such wars; but as a fact we have none, and we know therefore the absurdity of the extermination theory. Hence the people of the



old Gallic provinces, though in part of Gothic blood, might still fairly style themselves Gallic, and retain the names of their tribes. Hence, we see how very dangerous it is to trust to the unsupported evidence of names.

Fortunately, we have positive proof of the manners of these so-called German-Gallic tribes, which must satisfy us that the bulk of them, at any rate, were barbarians, for their manners were utterly barbarous. Cæsar tells us the warriors of the Swevi boasted that for many years they had not slept under any roof-tree; and Horace, speaking of the children of Germany, styles them a horrid progeny. They were simply unkempt, uncultivated, and uncivilised; and as distinct in manners and habits from the Gauls as were the Romans from the Goths, the Franks from the Germans, or even the French of to-day from the Germans of to-day, between whom there is an utter and entire dissimilarity of tastes and habits. We are, therefore, driven to conclude not that these tribes were of a Gallic race, but that they were substantially Gothic or Teutonic, and were governed by people of these nations, and were like them without a particle of learning, ignorant, brutal, and thoroughly barbarous. We know this to have been the condition of the Saxon adventurers who invaded this country, and we therefore can place but little reliance upon this alleged identity of name and race. Indeed, from what we do know of the Saxons of England, we cannot believe that any bond of nationality existed between them and the Gauls, but that they were simply united by the common appellation of a brutal name. as assassins or Saxons.

## CHAPTER V.

### THE LLOGRIANS OF ENGLAND.

THE Angles, however, were a distinct nationality; they undoubtedly occupied a permanent place in the history of this country, which still bears their name, and there can be but little doubt that the Angles were the people who called themselves Llogrians. Dr Donaldson, in his *Essay on English Ethnography* (Cambridge Essays, 1856), has done great service in the cause of truth, in so much as he has rendered clearer the important fact that there is a line of demarcation between the Angles and the Saxons, and that the names of England and Englishmen, which we have adopted for our country and ourselves, are ethnographically accurate as descriptions of that particular branch of the human family from which we derive the most important part of our population, the most distinctive features of our national character, and the chief materials of our mother tongue. But when he has attempted to tell us who the Angles were, he has woefully failed in his mark, for he has been so honest as to give the data upon which he has based his theory, and we cannot but perceive how often he has taken false materials and incorporated them into the structure which he has composed,—even adopting as truths statements

which are incompatible with each other. For he has given equal credence to the British history of Arthur and the Saxon inventions respecting Alfred, even when those histories both appropriate the same facts to themselves; and especially has Dr Donaldson been led away by the mere similarity of names to found the most important conclusions upon the most uncertain premises. The Angles, he tells us, were Germans, the men of the Ing-gau, because we still pronounce Angleland or England, Inland. No one better than Dr Donaldson knew the danger of tracing relationship from a fancied resemblance of names, and no one knew better than he that if such a relationship really existed, in spite of the admixture of Saxon and Norman words, our language would still possess such an affinity to the language of the Ing-gau, that their relationship would be unmistakable. Yet it is admitted that this test, if applied, decides the question in the negative; for if our English was the language of the Angles and not of the Saxons, as doubtless it was (for it bears no relationship whatever to the tongue of the men of the Ing-gau); so is it as clear that there is no relationship between them. If, too, the English and the Angles of the Continent had any relationship between them, surely the insular Angles like the Saxons would have some note by which to distinguish them from their brethren of the Continent. The Angles of England not only have no note of difference between themselves and the Angles of Anglen, but literally they have nothing in common. We learn from Latham that the Angles of Germany are nothing to the ethnologist: "their name," he tells us, "may have been tampered with, they may have anything or nothing of affinity with the

English historical development and geographical locality; it is a mere name and nothing more." Tacitus mentions the Angli, the third of seven tribes of the Swevi, of all of whom we know absolutely nothing; and if we compare what we do know of the religion and customs of those tribes of the Swevi of which we have cognisance, we find that they completely differ from the religion and customs of the English Angles, besides that the German Angli was a native name, and was so pronounced, but the native name of the Angles of England was pronounced Ingles or Igle. Ptolemy places these Angles north of the Elbe, a locality that ill accords with the presumed ancient home of the Angles; for though it is dangerous to trust to a single name, when we find many names—names of tribes, rivers, towns, mountains, and other landmarks—in strict accordance, the conclusion is irresistible. And if we look at these names in ancient Britain, and compare them with similar names upon the Continent, we shall have little difficulty in finding an approximate home for our forefathers; and to this mode of procedure we must resort, as unfortunately there is no other. Latham admits that the whole early history of the English people and language must be got at by circuitous and indirect methods,—by criticism and by inference. If we adopt this plan, we have the high authority of Dr Donaldson for asserting that the Llogrians of England occupied in pre-historic times an area extending from the Isles of Britain to the east coast of Italy. "The Laleges, Lygyes, Ligurians" or Llogrians, established their line of occupation from the Humber-land of England across France to the Alps, the Tyrol, and the sea-

board of Genoa, and the southern regions of Italy and Greece, along the line of march given by the earliest writers of the Greeks as that by which the products of Britain were transported to the East.

We have the remarkable testimony of the Welsh Triads that the Coranians from Pwyl (Poland), who were settled about the Humber, united themselves with the Saxons, who were probably many of them of kindred races, and by violence and conquest brought the Llogrians into confederacy with them, and subsequently took the crown of the monarchy from the tribe of the Cambrians; and from the same authority we learn that there remained none of the Llogrians who did not remain Saxons, except those that were found in Cornwall, in the Commote of Canoban, in Dierra, and in Bernicia.

It is observable that the Welsh speak of the Llogrians as becoming Saxons—proof that the name was derived from some characteristic and not from a common origin, and so they termed the inhabitants of East Anglia, who were undoubtedly Angles and not Saxons, and who in later times were governed by the Danes. Saxon must be taken as a term of reproach, as an opprobrious epithet, applied in hate and scorn to those who had turned traitors to their compatriots, and had joined the ranks of their deadly enemies the Saxons. The Llogrians never called themselves Saxons but Angles, and it is as Angles that we must trace their origin. Dr Donaldson informs us that the Llogrians had a difference of language or dialect from the Cymri, though he considers that they were of Celtic origin. Whatever their language was, we retain no trace of it. So also is the language of the ancient Ligurians utterly

lost. Why should we not arrive at the logical conclusion that both are to be found in our modern English? It has certainly a Celtic base, and if Dr Donaldson is correct, we should expect to find that the Ligurian tongue had the same. It is remarkable to find, as Dr Donaldson has pointed out, how closely the Umbrians and the Ligurians are to be found settling together; we have them side by side in Italy, and in the south of France, along the line of march to its eastern extremities; and again we find them side by side in England, and there also, as in Italy, we find that the Umbrians or Cumbrians claimed a pre-eminence over the Ligurians.

Modern writers, and especially Niebuhr, state positively that the Pelasgii formed the generic stock of the various tribes of Italy, the Sabines, Tyrrhenians, Siculians, Prisci, Sarrani, Umbri, Liguri, as well as of the different tribes of Hellas, and there can be little doubt but that all these tribes were of Cimmerian origin. It has been doubted whether Celtic is a national appellation, and whether in fact it means more than is here contended, that the term "Saxon" indicates a confederation of peoples; this cannot be so. We know that Celti and Cimmerii are co-extensive in their meaning. Cimmerian, at any rate, is a national name. Eusebius tells us that the Thracians were included under that generic name. Herodotus, v. 3, speaking of the Thracians, says that, as a nation, they were the greatest of any among men, except the Indians; and that if they were governed by one man, or acted in concert, they would be invincible and by far the most powerful of all nations; but as this was impracticable, and it was impossible that they should ever be united, they

were weak. There is little doubt but that at an early period the Thracian dialect differed from that of the Greeks, though what it was we cannot tell. It has been assumed that they were Teutons or Scythians, but the greatest probability is that they were Celts. This difficulty of union is a strongly marked characteristic of the Celts. Aristeas, the Proconnesian, a favourite bard of Apollo, the god of the Druids, and who lived eight or nine centuries B.C., tells us that the Celti had a tradition that they had formerly dwelt upon the South Sea (Herodotus, lib. iv. 13), and history tells us of their gradual journeys westward until they reached the coasts of modern Gaul, and were stopped by the Atlantic, the land of Atlas, the regions of Pluto, whom all the Celtae acknowledge to be their father. If the ancients appear to have lost the link which bound the Umbri to the Ligurians, it is not right to state that the elder Greeks denied the relationship; they simply did not remark upon it. Strabo himself, whilst denying the relationship, admits that the later Greeks styled them Celto Lygyes—clearly a proof that they regarded the term Celt as a national designation; but without this link it would be difficult to account for the numerous instances of similarity which are to be found in the Greek, Latin, and Celtic languages. It is not enough to refer to the numerous petty tribes of Celts settled throughout the Peninsula; though they, doubtless, might affect the Pelasgian type of Italy, it could not similarly affect that of Greece. How can we account for this except upon the hypothesis that the Umbri Liguri and the Osci, and other primitive colonists of the south, were, like the Greeks themselves, of Celtic or

Cimmerian origin? It is thought by some that the great number of Latin words which enter into the Welsh vocabulary, may be in part accounted for by the long supremacy of the Romans in Britain: but this is not so satisfactory a solution of the difficulty; far easier is it to suppose that both of them were derived from a common origin. The immense number of Greek words to be found in the Welsh language disposes of the Roman theory, for they were certainly indigenous, and were not borrowed from the Romans. If they were eliminated from the language, scarcely anything would remain. Mr Pike, in his history of the English language, has collected a vast number of Greek words which are to be found embedded in the Welsh,—an investigation which is by no means exhausted. Tyndale, in making his translation of the Testament, found the Greek more readily to agree with the English than the Latin, and frequently discarded Latin words for Greek, although the latter were not nearly so well known; in fact, Greek was to him a kindred language, whilst he regarded Latin merely as a dominant language, which on that account he did not use. The Welsh tongue is remarkable, like the Eolic Greek, for its habitual substitution of hard, palatal, and guttural consonants for the soft, palatal, and sibilant letters of the Sanscrit, in such radicals or elementary words as are common to both languages. The editors of Bagster's Bible, referring to the several peculiarities between the Welsh and the other Celtic dialects, ascribe it to the Cymric branch of the Celtic language anciently spoken throughout Germany to the ocean, whereas Gaelic, Erse, and Manx they consider probably owe their language to Celtic Gaul.



All the earliest writers are agreed in representing the tribes that occupied the western slopes of the Maritime Alps, and the region which extends from thence to the sea at Massilia, and as far as the mouth of the Rhone, as of Ligurian and not of Gaulish origin; the connection between them seemed to have been lost sight of. *Æschylus* represents *Hercules* as contending with the Ligurians on the stony plains near the mouth of the Rhone. *Herodotus* speaks of Ligurians inhabiting the country above Massilia; and *Hecataeus* distinctly calls Massilia itself a city of Liguria, while he terms *Narbo* a city of Gaul. *Scylax* also assigns to the Ligurians the coast of the Mediterranean Sea as far as the mouths of the Rhone; while from that river to *Emporium*, in Spain, he tells us that the Ligurians and Iberians were intermingled. The *Helisyci*, who, according to *Avienus*, were the earliest inhabitants of the country round *Narbo*, were, according to *Hecataeus*, a Ligurian tribe (*Æschyl.* ap. *Strab.* iv. p. 183; *Hecat.* Fr. 19, 20, 22, edit. *Klausen* *Herod.* 5, 9; *Scyl.* p. 2 and 3, 4; *Avra*, or *Marit.* 584; *Strabo*, iv. p. 203).

*Thucydides* (vi. p. 2) speaks of the Ligurians having expelled the *Sicanians*, an Iberian tribe, from the banks of the river *Sicanus*, in Iberia, thus pointing to a still wider extension of their power.

The *Salyses*, *Oxybii*, and *Deciates*, who dwelt from the Rhine towards the Maritime Alps and North Italy, were Ligurians. So were the people of *Cor-sica*; and the *Lævi* and *Libyci*, who occupied the banks of the *Ticenus*, appear to have been of Ligurian race (*Pliny*, iii. 17, s. 24; *Livy*, v. 35). So also were the *Taurine*, who dwelt on the *Padus* and the *Salassi*.

Strabo (ii. p. 28) asserts positively that nothing was known of the origin of the Ligurians, except that they were not Gauls; and notwithstanding their close geographical proximity, and their frequent alliance in war, he says they were a distinct race, though they resembled them in their mode of life. Livy and other Roman writers say the same thing, but the authority of the Roman writers on questions of geography is almost worthless. Dionysius and Cato say that their origin was wholly unknown (Dion. i. 10; Cato, ap. Serv. ad Aris. ii. 715). They were much mixed with the Greeks in their colony of Massilia, and earlier with the Carthaginians; they engaged as mercenaries in the army of Hannibal, B.C. 480 (Herod. vii. 165; Diod. xi. 1). In the second Punic War they openly sided with the Carthaginians, they sent support to Hannibal, and furnished an important contingent to the army with which Hasdrubal fought at the Metaurus. Again, before the close of the war, when Mago landed in their territory, and made it the base of his operations in Cis-Alpine Gaul, the Ligurians espoused his cause with zeal, and prepared to support him with their whole forces (Livy, 22, 33, 27, 47, 28, 46, 295).

And in the wars which the Gauls carried on with the Romans, the Ligurians made common cause with the tribes of the Boictus and the Insubrians, just as in after days the Llogrians of Britain assisted the Gauls against Cæsar. Are these tribes of the Boictus the Boructians mentioned by Bede as amongst the ancestry of the Angles? That people have not been ascertained. If this surmise be correct, it is another link in the proof of the Ligurian pedigree.

In their characteristics they closely resembled the

British race : they were hardy and warlike ; they cultivated their lands with difficulty, and chiefly subsisted on their herds ; they made a kind of drink from barley ; they exchanged timber, cattle, hides, and honey, for wine and oil ; they were remarkable for their agility, which fitted them for the chase as well as for war. Cato says they were treacherous and deceitful ; they excelled as slingers ; their regular infantry carried oblong shields of brass, like the Greeks ; they were distinguished by their hardness and daring as pirates and navigators ; like the Gauls they wore the hair long ; they were divided into a number of tribes, which appear to have had little if any political bond of union beyond the temporary alliances which they might form for warlike purposes. In fact, their description aptly applies to the ancient as well as to the modern inhabitants of this kingdom.

Niebuhr admits that the Roman writers, with the exception of Cato, speak highly of the industry and of the indefatigable patience and the contentedness of the Ligurians, no less than of their boldness and dexterity, citing Cicero against *Ruthos*, ii. 35 ; *Virgil*, *Georg.* ii. 167 ; *Diodorus*, iv. 20, vi. 39. From the passage in *Virgil*, it appears that they engaged for hire as free day-labourers in husbandry. Such free-men, who themselves till the ground, were called by the Athenians *Autourgoi* (*Thucydides*, i. 141). This was an English or Llogrian custom here at a very early period. Cato's malignity may be explained by the fact that at the time he wrote the Romans had only just completed the task of subduing them, which, though the contest was seldom carried on with more than one tribe at a time, had taken forty years. They were subjugated or exterminated, or carried

away from their mountains to be settled in far-distant plains. The Ligurians were evidently wanting in that power of combination which both the Thracians and Celtæ lacked, showing in all their qualities so strong a likeness to each other, that the identity of all of them is tolerably clearly established. Niebuhr does not appear to have observed the connection between the Llogrians of England and the Ligurians.

Plutarch (Mar. 19) says that the Ligurians in the army of Marius called themselves in their own language Ambiones or Ambrones. This is either another form of the word Umbriones, or of the word Albiones; and as the Ligurians were seated upon the slopes of the Alps, it very probably may be another form of the latter word. It is remarkable that the earliest Greek writers style this island Albion. Aristotle, writing three or four centuries B.C., so designates it. This is probably from their ancient homes upon the Alps, and would indicate how largely this country—at any rate in Grecian ages—was peopled by them. It is very remarkable that both the British and Italian Umbrians and Llogrians were styled Albiones—a double coincidence of great value.

It would be easy to find a great number of names of the tribes of the British amongst the Ligurians; but to do that properly would be a work of great labour. Here place can only be given for a reference to the name of Liguria. The evidence of the name of Liguria is simply irresistible, permeating through the whole of England. We find Logoresbury in Dorset, Legbourne and Legsby in Lincolnshire, Lear at Leicester, and endless Leighs throughout the whole of England. Indeed, if this investigation and

comparison was fully carried out, it is believed that the conclusion would be irresistible ; but stronger evidence than mere similarity of names rests upon tradition, a common religion, language, and civilisation.

## CHAPTER VI.

### THE ENGLISH LANGUAGE.

THE chiefest test of the nationality of a people is their language, and volumes might be written to illustrate this idea. The evidence of language is infallible, unmistakable, and it cannot be rebutted.

It is not meant by this that every nation retains its own language intact, or even that each nation is affected by the imposition of a foreign language in the same way.

There can be no better illustration, as none is better known, of the variety of the effect of a foreign tongue, than in the case of the Romans. They imposed their language, which, with its influences on other languages, is far the most important in the whole world in one sense, upon every country of Europe. That is, they governed each country, and unquestionably by laws framed in one tongue, the literary Latin of Rome; whether this tongue was ever a spoken language, in the sense of the word familiar, may be doubted. Great scholars, just as the Catholic priesthood in our day, may have been able to converse in Latin, but in their own homes, and amongst their children and servants, they must have used the *lingua rustica* of their province. For it is tolerably clear that the Latin of Cæsar and

Cicero had no provincial home, but was the result of the intercourse of mind with mind—a highly polished intellectual offspring.

Dr Marsh says that Latin is derived from a coalescence of many ancient forms of speech, and that the completeness of its inflections shows that the grammar of some one ancient dialect very greatly predominates. Hence it is that the Romans did not seek to impose their tongue upon any nation, although every nation under her bondage was more or less affected by it; we see its effect strikingly illustrated in the languages of the three greatest countries of the present day, England, France, and Germany. France—partly, probably, because she was more directly in connection with Rome—whilst she rose equal to the occasion, only attained an equality with her Latin master, and in the beautiful dialect—if, in defiance of Dr Latham, we may treat French as a dialect of the Latin, and not as a separate language—she has preserved much of her original speech, whilst adorning it with Roman beauties, producing a dialect hardly inferior to Latin itself. Not so the Germans. Being encumbered with a language incapable of much improvement, and unable to master even the sounds of the Latin, whilst degrading the latter, they have arrived at a compound speech, which is for the most part merely gibberish, an inarticulate rendering, or rather a caricature of a beautiful original; and whilst degrading it, they have not greatly improved their own.

England, possessing a speech probably very similar to many of the rustic languages of the Romans, received the additional Latin without great injury to herself, and without greatly altering that which she

incorporated with her own. The Latin words in the English tongue are not disfigured as they are in the German, and may be at once, and easily, separated from it. And moreover, unlike the cases of the French and German, Latin has not affected her idioms, and she still preserves the signs and forms of an original language.

This important fact, except by a few great scholars, has been persistently ignored, and Oxford and Cambridge have stood quietly by, whilst Germans, just as they have annexed the Jewish music, have annexed our primitive tongue as a dialect of their own.

At vol. ii. p. 235, Dr Whitaker, exposing this error, thus writes:—"In the wildness and extravagance with which the Saxon-British part of our history has hitherto been treated, the Britons are universally supposed to have been exterminated; and in the natural progress of error, the language of the Saxons and ourselves has been, therefore, asserted to be as pure and unmixed as the nation, and as little tinged with the words, as this was with the blood of the Britons. We have even seen the process of the reasoning boldly inverted by the great lexicographer of our language, and the asserted fewness of British words in it made a strong argument in favour of extermination; and all our writers have argued that the present dialect of England has streamed from the purest founts of Germany, and carries scarcely the smallest taint with it from any accidental *influxes* of British. This account has been repeatedly given, and never contradicted, and has therefore been recently urged with the strongest confidence, and is now become a regular part of the philologist's faith; but the opinion is as erroneous as it is general. The



absolute extirpation of the Britons, and the complete plantation of England by the Saxon adventurers, is such a strange and monstrous opinion, something so infinitely beyond all the usual consequences of conquest, and indeed, all the possibilities of population, as should shock even the credulity of romantic belief."

So confidently have these literary robbers proceeded in this way, that out of our whole vocabulary the Germans have only left us 200 words. Sir E. Creasy quotes this ignominy with approbation. How has this result been arrived at? It can only have been by a wholesale appropriation to German, or, as it is mildly put, to Teutonic sources, of every word in our language of which the Germans can find the smallest trace in their own conglomerated and overcharged phraseology, and this whether such words have been borrowed by them, from intercourse with us, or from other sources. Thus every foreign word which the early German savages abused and brutalised, and which we obtained directly from Rome, or Rome from us, has been claimed as genuine; and even when it is pure Celtic it has been labelled Teutonic, for the benefit of our innocent universities.

Dr Whitaker has stated the truth upon this subject, which, if it ever comes home to them, will astonish Oxford and Cambridge. Writing a hundred years ago (vol. ii. p. 238), he states:—"The English contains at this day such a collection of Celtic terms, as nothing but an actual collation of the languages could induce us to believe. Many words, indeed, have been undoubtedly lost in one dialect, and so left the kindred terms of the other without any trace of the original correspondence. At present many English terms of a Celtic original, also, have had

their descent effectually disguised by the primitive inflections or later substitutions of their constituent letters; and yet besides these, besides the many Celtic words which might assuredly be discovered in the English in a stricter examination of both languages, and besides such as an author is afraid to produce, lest he should seem to his own judgment to be fancifully overstraining the point, and catching at ideal similarities, there remains a large catalogue of 3000 British terms even now in the English."

Not satisfied with the bare assertion, Dr Whitaker devotes an important chapter of his book to the consideration of three letters of the alphabet, and to that extent proves the truth of his assertion. Whether he ever completed the alphabet, and if so, whether his MSS. have been preserved, is worthy the attention of our philologists and antiquarians. But surely we have British scholars amongst us, outside the walls of our great universities, who are capable of completing the work.

Dr Whitaker, whilst condemning Dr Johnson, speaks most kindly of him. He was evidently a personal friend, whom he was most unwilling to injure, and in sparing him he failed to establish his own point; whilst he himself is forgotten, the great work of the great lexicographer is more valued than ever; probably Dr Latham's edition of it will make it still more respected. That learned editor, although in so many instances he has ventured to think for himself, and in so doing has greatly disturbed the equanimity of our literary robbers, yet he still remains under the spell of the Teutonic delusion, and in such words as *Welsh*, still retains their mock signification. *Welsh*, or *Wales*, is as clearly

derived from Gaul as any word in our language, and consequently the equivalent of English. To this day the French style the principality as that "*des Galles*," and our Prince, "*Le Prince des Galles*." We have only, as we have done in numberless instances, dropped the harder G. The Welsh are ever mixing up consonants, and changing them as if they were as liquid as vowels; yet Dr Latham copies Dr Johnson's error, and asserts that Welsh is Saxon for foreigner. Does the learned Doctor forget our word, "Cornwall?" What is that, but the *cynne weahl*, or Gaulish kindred. Bosworth, of course, under the impression that he is writing Saxon, gives *Angel Cynne* as an equivalent for the English people:—*Angel Cynne* being simply the Gaulish race—a direct proof of the correctness of Dr Whitaker's rendering of the meaning of the word *Angel*.

It may be humiliating to our great scholars to unlearn all that our German tutors have impressed upon us, and to learn the truth; and some of them evidently prefer to libel those who expose the truth to undertaking the unpleasant task of thinking for themselves. Hence to Germans is still confided the task of teaching our youth the science of comparative philology, a science which is yet in its infancy—an infancy of poor promise, since the unhappy offspring is tortured like a Chinese mandarin. Its poor feet are boxed up in impossible bottines; whilst, far worse, the head is squared to the dwarfed intellectual theories of the Germans.

Mr Marsh considers that speculation on this science is far in advance of knowledge, and that many of the hypotheses which are sprouting like mushrooms to-day are destined, like mushrooms, to pass away

to-morrow—an apt illustration of the Oxford eccentricities. He has pointed out the important fact that a truly philosophical system of English syntax cannot be built up by means of the Latin scaffolding, which had served for the construction of all the continental theories of grammar. Surely the knowledge of this fact should have led him to the conviction that our language is a primitive and not a derivative one; yet he would derive it chiefly from the Anglo-Saxon and Norman-French, both of which are inflected languages, and have the syntactical peculiarities common to most grammars with inflections, whilst he is well aware that ours is not an inflected language.

Mr Kington Oliphant, in his interesting and valuable book on the “Sources of Standard English,” written unfortunately under the strongest Teutonic influence, would have us believe that English is an inflected language; and in order to square his facts with his belief, he asserts that “unhappily we English have been busy for the last 4000 years clipping and paring down our inflections, until very few of them are left to us.” This appears to the writer to be a mere surmise, unsupported by any proof; for the single instance adduced, even could it be backed by many others, would not prove the point. The absence of inflective power is a strong characteristic of an original language; but even in the trifling instance adduced, so honest is the writer, that he disproves his own theory, for he admits, as a rule, that the English differs in this inflection from the German form, and comes nearer to the old Aryan well-head; his theory, of course, following Garnet Bopp, Max Müller, and others of that school, that

the original home of the English nation was on the banks of the Oxus—a theory that Dr Latham has combated with the arm of a giant, though, perhaps, he has gone too far the other way in giving Europe as the original home of the Sanscrit. Assuredly, there is no greater error that the German school have set up than the idea of this Indian home of our ancestors. A great number of this school are infidels, and it is useless to point out to them that the Bible affords a far better guide in comparative philology than they have yet found; and the biblical history would teach them that mankind were originally settled much more westward, and that they spread out from their original home in all directions. A comparison of the names of tribes and people north, east, and west of the district, will prove this proposition almost to demonstration. Besides, our scanty knowledge of Sanscrit teaches us the same fact. The earliest remains we have which are dated, are the cuneiform inscriptions delivering the edicts of the kings of Persia, ranging from B.C. 470 to B.C. 370. Until we get truer and older dates than these, Sanscrit scholars must be content to believe that the language travelled eastward rather than from the west.

Dr Latham argued that the original situs of the Sanscrit is on the eastern, or south-eastern, frontier of the Lithuanic, because the Lithuanic is its nearest congener, and after it the old Slavonic; so, with respect to the use of the sibilants rather than K or G, the Sanscrit is pre-eminently Slavano-Lithuanic. Dr Latham assumes that one must have come from the other; whereas they may, and probably have, both of them, come from another situs altogether. To account for the fact that a language may not only

be projected into another region, and entirely lost in its own, it is suggested that there is no English in Germany, and that there is no trace of Magyar within 700 miles of Hungary. The latter point may be disputed, and the former is accounted for by the theory of this book.

The learned Doctor is more happy in his argument, when he points out that the native languages of India are none of them akin to Sanskrit, and that it is a language of a few dialects, or a few stages, with a purely literary cultivation, and that partial; with an imperfect claim for being accurately handed down, with a questionable date and an uncertain locality—difficulties which, though great, are as nothing to the extraordinary difficulty the German school must have in persuading themselves that English is one of their dialects. It is questionable whether Sanskrit or Latin were ever spoken languages.

It is very extraordinary that Dr Marsh can believe in the Teutonic pedigree of the English language, when he knows that it wants the characteristics of that language. How can he believe that it is derived from the Anglo-Saxon and Norman-French, when he knows that both of them are inflected languages, that both possess grammars founded upon principles altogether different from the true principles of the English grammar? One can understand the theory of the chemist, that an admixture of various matters may produce a compound of a totally different nature from either of the constituent parts, but the theory is not universal, and only applies in particular instances; but is it possible that it can ever apply to the subject of language? Yet Dr Marsh writes distinctly that English is a new philological individual,

distinct in linguistic character from all other European speeches, and not theoretically to be assimilated to them. Surely this is a mushroom theory destined to have a mushroom's mortality.

Surely it is time that our universities roused themselves to action, and that a proper school of British philology was instituted. One is amused by the absurd project lately set on foot by Professor Max Müller on this head, and the ridiculous reasons he gives for advancing the claims of various languages. Our students, according to him, are to waste their time in the study of languages which will be utterly useless to them, simply because a certain portion of our fellow-subjects at present speak them ! And one is disgusted with the impertinence of the comparisons drawn between our universities and those of the Continent—comparisons, of course, greatly in favour of German institutions. Those who are acquainted with their internal concerns, the lives their students lead, and the amount of learning they obtain, know that they will not compare for an instant with Oxford or Cambridge ; that in classical and mathematical learning our universities stand the first in the world, though in minor matters, such as the study of modern languages, they are very backward ; and indeed, by the few steps that have been made, as in the creation of a chair for the study of Anglo-Saxon, for instance, when there is no such language, they have only made themselves ridiculous, though they are not half so ridiculous as they will become if they follow the lead of the German school to the end. What is wanted, in addition to the present routine, is a chair for the study of British literature, laws, and language, including a proper attention to all the Celtic dialects, the

English, Welsh, Gaelic, Erse, and Manx, as well as the study of the ancient Gallic, the Breton, &c. The idea of studying the Teutonic or the Indian languages is as absurd as if a chair were to be created for the study of the lingo of the Christy Minstrels. We ought to study our own language, even if it were unworthy of much attention. We certainly shall derive no good from the study of the Teutonic, which does not possess a literature, even assuming that we could find out what it is. The present German language only dates from the time of Luther. Prior to his date, which of the innumerable languages, dialects, and sub-dialects of that part of the Continent, shall we take up? To adopt the principles which induced the chair of Anglo-Saxon to be inaugurated, we ought to worship the Prussian, but the Prussians are not a German, but as the few specimens which we have of their language show a Slavo-Lithuanic race, and Von Moltke, the creator of Germany, as his name would imply, is a Slave. What a compliment it would be to the Emperor of Germany to erect a chair for the study of a few paternosters and a catechism of the sixteenth century—all that remains of the Prussian dialect! The whole of the Lithuanian literature possesses only one author who has any pretension to the rank of even a minor classic, who has made a collection of ballad poetry of about the date of 1745. In fact, it is a language without known stages, and merely fragmentary.

That grand old cynic, Thomas Carlyle, thus speaks of Prussia's literary characters (Popular Edition of "Frederick the Great," p. 5): "Truth is, the Prussian Dryasdust, otherwise an honest fellow, and not afraid of labour, excels all other Dryasdusts yet



known. I have often sorrowfully felt as if there were not in nature for darkness, dreariness, unmethodic platitude, anything comparable to him. He writes big books, wanting in almost every quality, and does not even give an index to them. He has made of Frederick's history a widespread, inorganic, trackless matter, dismal to your mind, and barren as a continent of Brandenburg sand. Enough; he could do no other. I have striven to forgive him. Let the reader now forgive me, and think sometimes what probably my raw material was. Their lives, read in Dryasdust's newest chaotic books (which are of endless length, among other ill qualities), are like a dim nightmare of unintelligible marching and fighting. One feels as if the mere amount of galloping they had would have carried the order several times round the globe. What multiple of the equator was it then, O Dryasdust? The Herr professor, little studious of abridgement, does not say." And this is a fair picture of the men to whom Oxford would hand over the task of teaching British literature and British history. Shame on our Oxford university—shame on ourselves to submit to it.

No wonder that, under such tuition, Dr Marsh is able to write that no full and comprehensive general work on English dialectology, ancient or modern, has yet appeared.

Dr Donaldson's teaching would lead us to the conclusion that English is the tongue of ancient Liguria. If we are right in assuming that the Angles were the Llogrians under the Romans, then it would seem to follow that English, or the tongue of the Angles, must be the lost Ligurian or Llogrian language. Nor can there be any rational doubt but that this is

the case, for it possesses all the characteristics which we should expect to find in the speech of these people. We have only to refer to the striking difference between our tongue and all the Teutonic dialects, in the use of the Greek *theta*, to point at once to a Thracian origin. No German can ever properly master that pronunciation—the little word “the” is an impossibility to him, as it was to the Danes, though the Norwegians and Swedes could master it, pointing to an older connection or relationship with England, which is apparent in many very striking similarities in their ancient customs and laws. Nor can English people properly acquire the peculiarities of the German language, a fact which proves the essential difference of the two people. The French and English can much more easily acquire the language of the other, although there is just sufficient difficulty to cause a grave doubt whether there is a real affinity between them,—a doubt which, however, vanishes when we remember that whilst the Gauls exchanged their language for that of their conquerors, the Ilogrians never did. We have the high authority of Dr Donaldson for asserting that the Latin language was not established in Britain as it was in Gaul. He adds: “This is a fact established by the most striking and satisfactory evidence. If Latin had ever been the language of the ancient Britons, as it was of the ancient Gauls, it must have become the exponent of that civilisation which the Romans introduced into the diocese of Britain, no less than into the province of Gaul; it must have connected itself with all the business and religion of the country.”

We have no difficulty in believing that the ancient

language of our own Cambrian was one of the dialects of the Gauls, and we know that the English or Celtic tongue is another of its dialects. We have the authority of Dr Donaldson for that proposition. Why should we hesitate to admit that English and Ligurian are identical? The fact that ethnologists can trace for it a Celtic origin tends to prove the correctness of Donaldson's and Niebuhr's position, that the Ligurians were descended from the Pelasgi, and were clearly a Gaulish people. But a stronger proof exists in the fact which the Welsh Triads clearly prove, that prior to their separation from the Llogrians they lived with them as one people, and had the same laws and customs.

It may be asked, what evidence have we of the antiquity of our language?—what fragments of it do we possess? We can only answer, we possess the language, and that it proves its own antiquity and its own origin; except here and there a word, we must not expect to find much evidence of its earlier existence. That it was the language of the natives, and of their conquerors, the Romans, in the first five centuries after Christ, we know; and we do not know anything for certain in the five centuries which ensued. In that terrible period of darkness and desolation, almost every vestige of civilisation was swept away by marauding Norsemen and wandering assassins or Saxons. If vice had degraded the land during the later days of Rome's ascendancy, England subsequently passed through a purifying sea of fire, but in the process she lost for a time her ancient faith, her mighty memories, her glorious history; and except that her people remained with their grand instincts, and noble language and laws, she had be-

come—as bastard English declare she was—another nation. We need not look for proofs during the age of fable ; we cannot expect to find them ; but this is clear, if we can find no traces of English, we can find none of any other tongue. Without exception the so-called Saxon Chronicles, and other Saxon works, are, at the earliest of the eleventh century, written in so-called Saxon, long after that language, if it can be called one, had ceased to be spoken. It is remarkable that until long after the Norman Conquest we have no documents written in English ; in truth the English for a time lost their learning altogether. It is wonderful that they preserved their tongue, for every public act was written in Latin, because it was the language of the only people who could read, the Romish priesthood ; it was their language because they were people of every nation, and a common faith led them to adopt one tongue. Even if we admit the antiquity of some of the Saxon documents, they prove nothing. There is no proof that they were anything more than the patois of a single tribe ; they do not bear the impress of a common tongue, and the earliest specimens of English which are found are no better ; they, too, are written in merely local dialects, which might find their counterpart in our own days. Language does not change so rapidly as people are apt to imagine ; though spelling has changed, we can find specimens of Early English five centuries old, almost precisely similar to the English of to-day.

Take, for instance, the returns made by order of the Parliament of 1388, by which the sheriff of every county was commanded to make public proclamation throughout the shire, calling upon the masters and wardens of all guilds and brotherhoods, and of

mysteries and crafts, to send up to the King's Council in Chancery returns of all details as to the foundation, statutes, and properties of these guilds, &c. These returns were made between the 1st November 1388 and the 2d February following, and there are now extant at the Record Office upwards of 500 of these official returns, coming from all parts of the country. A great number of them are in the English of the period, and form perhaps the most valuable collection of Early English extant. Unlike *Piers Ploughman*, and other examples of distinct patois, although they present every possible variety of handwriting and spelling, yet in the aggregate they represent the common tongue, and, when special differences are eliminated, the general features approximate very closely to the language of to-day. A large number of them are printed by the Early English Text Society, the labour of the late Mr Toulmin Smith. The old spelling is preserved, but one has only to put the documents into a modern dress, that is, into modern spelling, and to make such allowance as might reasonably be expected, considering the great number of writers, and the presumably defective education of many of them, to discover that there is no essential difference between the language employed and that current at the present day. For if at the present day the masters and wardens of all the Trades Unions, Oddfellows, Foresters, and other societies, were to be put by Parliament under a similar requisition, the returns which would be made from all parts of England would differ very greatly in language, and often in spelling. It is this spelling which puzzles the superficial observer. He sees "yis" for this, and "qwose" for whose, "systiere"

for sister, "feleschippe" for fellowship, "sauacion" for salvation, &c., &c., and he immediately thinks he has got a difference in the words; but let him hear either passage read, and he will hardly tell the difference. Now these returns were made, not by scholars or officials, but in all probability by an officer of the guild. We may therefore fairly expect to find that the better educated Englishman of the period would write in still better English. Such writings by great scholars are very rare; but a few such exist, and but for the spelling, and a few quaint expressions, it is not too much to say that they might have been written in our own day. If, then, our tongue has not materially changed during the last 500 years, it is ridiculous to suppose that the English of the 14th, that is of the 19th century, could possibly be the offspring of the Saxon of the 11th and 12th, and it is admitted by Saxon scholars that no essential difference exists between the Saxon of that date and the language of Alfred and Asser, of Ethelbert and Ina. In fact there is but one Saxon, as there is but one English, and the latter cannot by any possible means be the offspring of the former.

This date is taken simply because it represents the common tongue of the country, and it shows conclusively that there was at this date no material differences of speech throughout the empire. We can find isolated pieces of English of an earlier date, but none of much importance. The poem of Robert Manning is eighty-five years earlier, and represents probably the language spoken at Cambridge, which is thus a kind of representative language, and it does not very materially differ from the language of the guild officers. We have no specimens of Eng-

lish of a much earlier date, and the reason for this is obvious. All private writings of an important nature were, prior to this time, done in Latin, as well as all public acts, all acts of Government of every kind, all deeds, charters, records of law, and everything which required to be permanently preserved. Latin was the literary language of England all through the Saxon domination and under the Normans, and hence we are without any specimens of an earlier date than the 13th century. The advocates of the Teutonic theory would have us believe the contrary, and they have a number of documents which profess to be the English of the period. One is almost ashamed to meet the absurd arguments that have been adduced in support of the Teutonic theory. One is that the English used the runes of the Teutons, and in proof of this grave assertion one runic monument has been produced, and one only, written in Anglo-Saxon—the well-known Ruthwell Cross—the enthusiastic Kemble admits that he has not met with any other.

The story of this rune is curious and suspicious. About the year 1840 a MS. was discovered at Vercelli, containing a portion of a poem written in the Anglo-Saxon language (in reality the Scandinavian dialect of Northumbria, which passes muster for Anglo-Saxon among our *savants*), which our Anglo-Saxon scholars had no difficulty in deciphering. This poem is attributed by Stevens, Oliphant, and others to Cædmon; but this is doubtful, as it is questionable whether Cædmon designates a writer, and is not in fact used relatively to the book itself, being simply its initial word. It would be worth the trouble to ascertain how long this relic has

been known to exist, and who first discovered its runes. About the same time, or a little previously (be it remarked that no sort of doubt is intended to be thrown upon the good faith of Mr Kemble, but other enthusiasts may not have been so honest), Mr Kemble was the first to discover that these runes were in Lowland gibberish, or, as he politely styles it, Early English. This Early English, which is put forth as correct English of the period, is only a counterpart of the Latin which had undergone a German annexation—probably as much like the real English of that period as the Germanised Latin words resemble their originals. Previously this poem on the cross had been deciphered by two learned foreign Herr professors, who had given entirely different renderings of it. One Herr professor said it was a gift of a font which was poetically (?) described as a Christ-basin, and he deciphered the names of the parties and places with astonishing particularity, seeing that the other Herr professor described equally particularly totally different names and places and objects. According to the latter it was a marriage settlement. These learned professors were not much farther from the mark than are Professor Max Müller and his colleagues on the subject of English philology. It is scarcely credible that upon the strength of this single rune, if we reject the celebrated Bill Stump's rune of Mr Pickwick as apocryphal, the English are declared to be "a rune-carving people like their fellow-Teutons." If this be so, what has become of all their runes? We have plenty of Roman inscriptions of an earlier age, according to the Saxon Chronicle, than the Teutonic arrivals. What, then, can have become of them? Mr Oliphant



tells us that this rune has a Frisic or old Norse twang. If it be genuine, what more likely than that it belonged to a descendant of that Frisian legion, a part of whom resided at Manchester for some centuries? Surely the Romans imported foreign colonists enough to account for runes being found, without our jumping to the conclusion that the English were a rune-carving people. But is it a fact that the Germans themselves had runes?

In his valuable work on the old Northern Runic monuments, German and Saxon runes, Mr Stevens assures us, "were never heard of till in modern times in the lucubrations of modern German annexers." And the reason for this is obvious, since neither Germans nor Saxons possessed the art of writing. Hence we find no Runic remains in the Saxon counties of England. No reference in either Saxon or German history can be traced of any Runic monument. Grimm admits this, as well as the fact that no Runic remains have been found in any German or Saxon MSS. or soil; nor have any runes been found "on German or Saxon coins, bracelets, ornaments, or implements of any kind." But Mr Stevens bitterly adds, "We shall probably long continue to hear of these so-called German ruins; and, as other such archæological fictions and cobwebs have already been used for hounding on to the germanisation and annexation of North and South Jutland, so also this new humbug may become a welcome weapon and holy argument for trying to butcher, and enslave, and germanise, and annex all the free and noble races yet living in our Anglo-Scandic lands." The worthy professor writes with the bitterness of feeling and hate of a brutal nation, who, relying on force, have already,

in defiance of all honour and justice, grievously injured the simple and honourable people with whom he resides. Would that other men were as outspoken and honest as he, and the idea of moral right might even penetrate the "Germanised" and dulled conscience of a Bismarck, the favoured martyr in the holy cause of destroying the religion which Christ has declared shall never fail.

We learn from George Stevens that the language of all hitherto discovered Runic laves is Old-Northern, never German or Saxon. On some trinkets and caskets it has been found in company with Celtic and Latin, but such objects were curiosities rather than national monuments, runes being confined to the Scandinavian tribes alone. Tradition tells us that they were the last of the successive human waves that ægar-like swept over Europe from the East. That they should possess a refinement and a literature which the Germans never possessed, is a mystery; and we can therefore only conclude that the home from whence they came was widely different—the one being simply savage, whilst the Scandinavians must be an offshoot of an intelligent people. Mr Stevens would be proud to claim for us a closer relationship, forgetful of the greater glories of our British ancestry; he contends "that the old population of Danish, North and South Jutland, the old outflowing of Anglie, and Jutish, and Frisic settlers, were Scandinavian Norsemen, not Saxon, still less German." And certainly if we look at the localities in which the English runes are found, we shall be able to follow the learned professor in the whole of his argument, excluding the Anglie part of the question. For out of twenty-eight runes, about the number

which can be said to have a locality affixed to them, we find that no less than twenty-four are found within the bounds of ancient Northumbria, and the remaining four are found in Jutic Kent. Of these, nine were found in modern Northumberland, two in Durham, and three in Cumberland, three in Scotland, and five in Yorkshire; whilst Kent produces three, and Surrey one. A fragment of one was found in Derbyshire, clearly a wanderer, with only fragments of two words upon it. The writer found an account of another at Lancaster, and others may have been discovered, but not in sufficient numbers to cast any doubt upon this conclusive argument.

There is this difference between the English runes and the true Scandinavian, that the former are nearly all Christian memorials. No less than eleven of them are on stone crosses, whilst in all Scandinavia not one single runic cross is to be found. Now, as we find a total absence of runes in all the great English portions of this island, in Mercia, and the midland parts of the country, and in all the British portion as we should expect, the argument would seem to follow that runes were not adopted by the English. And this also would follow, that the whole of Northumbria down to the Humber, and Kent, were essentially Danish countries. Hence, as we have seen, we find the language of Northumbria very different from the Mercian and Anglian tongues; and in accordance with this conclusion, we are bound to admit that *Cædmon*, *Ormin*, and indeed all the early remains we possess, are Scandinavian and not English literary productions. It is a curious problem, and it is well worth the trouble of investigation, to ascertain when the Norsemen settled in England. If we believe the Saxon

Chronicle it was in the year 787, a date that is at once disposed of by Bede, who, writing half a century earlier, informs us that the Danes and the Frisians were amongst the peoples from whom the English were known to have been descended (lib. 5, c. 9); and seeing that he resided in the very stronghold of Danish authority, he must be accepted as an indisputable authority. Dr Latham appears to have missed this statement, which, besides showing the utter worthlessness of the Saxon Chronicle, also proves conclusively that the works of Bede, as we possess them, have been tampered with; for it is at variance with the statement made in the earlier part of his work, that there were only five nations in Britain—the Picts, Scots, Britons, Angles, and Romans; in this section he enumerates several other nations, as the Frisians, Ruguni, Danes, Huns, Boictians, possibly the Boies of Cæsar.

Penda, we learn from Bede (lib. 3, c. 23), proposed to extirpate the Northumbrians—clear proof that the governing class were not of the same race as the Mercians, strong presumption that the one were Danish and the other British or English.

The tradition of a very early settlement of the Danes is to be found in Geoffrey of Monmouth, a book which, though containing some gross absurdities, has yet within it many historical facts of value. He mentions that Belinus, one of the sons of the great Dynval Moel Mud, married a daughter of Elsinguns, king of the Norwegians, and that in fighting against his brother, who was king of Northumbria, both Danes and Norwegians were arrayed against him. Now Geoffrey relates a fact, that the laws of these kings, or rather of their father, were the laws of the English in the reign of Henry I., a fact

that was certainly unnoticed by any other writer of any age, and which has only very recently been propounded by the author. The fact that Moel Mud promulgated many laws is directly corroborated by the laws of Howell Dda (Vened., lib. 2, c. 17), who recognises them as the foundation of the British law. This, of course, ought to be well known to Geoffrey, who, as a Briton, would have access to them; but if he was not writing the truth, how came he to hit upon the fact that the laws of Moel Mud were extant in his own day in England? He relates that Denmark became subject to Britain at that time.

What, then, do we possess that we can confidently assert is a specimen of the English language before the fourteenth century? We have the so-called Saxon laws, which will be shown hereafter are a modern compilation, the Saxon Chronicle, and Asser's Life of Alfred, both of which are simply forgeries, and certain parts of the gospels, psalters, &c.; none of which can be positively assigned to an earlier date than the eleventh, or twelfth, or thirteenth centuries; and if they could be assigned to their alleged dates, they would only prove that a wretched patois existed, composed partly of good English, and chiefly of bad Teutonic, with a mixture of equally corrupt Scandinavian. The author has been blamed for discrediting the early Saxon MSS., whilst he believes in the Welsh, the learned reviewer forgetting that there is no sort of connection or similarity between them; the one resting on a still living language, and on thousands of MSS., the other on a few poor papers of very doubtful and suspicious origin; the Welsh being the natural inheritance of that people, whilst the Saxon, as we have it, was all written long after any people of that race were so designated. No

Saxon was ever heard of, except in these doubtful MSS., after the attempted massacre of St Brice. It is curious that nearly all of the earliest specimens of English, so-called, which we possess, emanate from Northumbria. We have specimens of the gospel written about the year 1310, which do not nearly come up to the standard of 1303, of Robert Manning, or of the year 1388, the great year of the guilds, but which accord much more with the earlier specimens produced, and again very closely with the dialect of Scotland; and at this day we shall find this to be very much the case. What, therefore, do these Northumbrian MSS. prove? Only that on the borders there existed a people who spoke very differently from the English of the midland counties, and more like the people who resided outside the Roman wall. We do not know precisely who these people were, but we know that amongst them might be found colonists from Ireland and the Scandinavian settlements, and probably also small settlements of Saxons, together with some colonists of English who had been driven out of their native country. Now there has always been, and probably there will always be, a strong line of demarcation between the natives of Scotland and England; and the border lands, of all others, will be the homes of the most varied population—the places, above all others, where we should least expect to find pure English. What value, then, in determining the question of English philology, can these documents possess? They only exhibit the patois of a district, and that one in which we should expect to find the worst corruptions. Mr Oliphant has advanced a theory to account for the sudden change which, assuming these Northumbrian dialects fairly represented the English of the

period, must have suddenly taken place in our tongue. He suggests that it is owing to the preaching of the Franciscan friars about the period which brought it about. This suggestion is as novel as it is ingenious ; and unquestionably their preaching must have had the effect of assimilating the dialects of the different counties ; for it is hardly to be supposed that these preachers would have invariably accommodated themselves to the dialect of the particular district in which they laboured. Rather is it to be supposed that, like Robert Manning, they studied at Cambridge, or at some central institution, where they would gain a fair standard English. Thus far, it may be conceded, the argument may go, but can it fairly be pushed farther ? for unfortunately the dates will not assist the argument. The Franciscans did not settle in England until 1226, when the Mercian language was already formed. Besides, is it true that one speech is derived from the others ? Certainly the English of 1304 is quite a different thing compared to the Northumbrian of 1310. How do we know that they are related ? The object of the Franciscans was to preach to the natives, not to invent a language which would not accord with the court tongue, nor with any other known to mankind. Far more likely is it that they left things as they found them, only adding a few words here and there, which, whilst they enriched, did not change the ancient English. The fact is, we know but little of the dialectical differences of our English counties. Writers on this subject forget the uncommon number of languages which must have taken root in Britain ; that in Cæsar's time there were thirty-three nations ; that the Romans planted numerous colonies speaking entirely different tongues, and that on their depar-

ture, numberless hordes of savages swarmed over from the Scandinavian coasts, as well as from the mainland of the Continent. That our own English survived all these encroachments, and yet continues, only proves conclusively that the bulk of the people of this country are of the British race. We are, according to Dr Marsh, profoundly ignorant of the dialectology of England—and if we are entitled to draw any conclusion, it is that the diversities are too numerous to admit of being grouped or classified at all with any precision of chronological or geographical limitation. Dr Marsh arrives at this conclusion partly from the irregularity of orthography, which renders it impossible to pronounce authoritatively in favour of any particular form of spelling; for, as he truly suggests, a great amount of the alleged diversity of dialect, including spelling, is due to the imagination of the listener or the peculiarity of the speaker. In considering this subject, it must be borne in mind that this diversity of dialect is the direct result of the English language being ingrafted upon the various tongues spoken in the island, and is not a fair representation of true standard English; and that, therefore, the English of any particular district will be marked by the peculiarities of the tribes settled therein. Hence the dialect of Northumberland is scarcely likely to be at all like the original English, seeing that on the border-land were collected together many foreign tribes. The language of Mercia would doubtless be the truest standard. The author is glad to find that this view is confirmed by the evidence of Dr Latham. But, unhappily, we have few specimens of Mercian earlier than those of Robert Manning, which might almost pass current for the language of



the present century. It is a mere assumption that there was any radical change in the 13th century; and those who are in favour of such a change are bound to prove its probability at any rate. Until they do so, Englishmen, good Conservatives as they naturally are, must resist the restless "radical" ideas of our philologists, and adhere to the belief in an ancient pedigree. Looking at the probabilities, the doctrine of chances is greatly in favour of there having been no great change in our tongue, except, of course, in orthography.

The following specimens of the Lord's Prayer and Hail Mary, written, or supposed to have been written about the year 1250, is conjectured by Mr Oliphant to have been used in the northern part of Mercia. It seems to be as old as any specimen of midland dialect we can find. The poems of the monk Ormin, though probably very much earlier in date, are clearly not to be referred to the English, but rather to the Danish portion of our countrymen. They are Dano-English, and probably differ very much from the true English of the period, of which, unhappily, we do not possess a single scrap. These lines are printed with the modern *th*, which fairly represents the older characters. If only our early English writers could but be made to understand that there is nothing to be gained by restoring the old abbreviations, but to many people much to be lost, something would be done. These specimens run thus:—

Ure fadir that hart in hevene  
 Our father that art in heaven  
 halged be thi name with giftis sevene  
 Hallowed be thy name with gifts seven  
 samin cume thi kingdom  
 Likewise come thy kingdom

thi wille in herth als in hevene be don  
 Thy will in earth also in heaven be done  
 ure bred that lastes ai  
 our bread that lasts ever  
 gyve it hus this hilke dai  
 give it us this each day  
 and ure misdēdis thu forgyve hus  
 and our misdeeds thou forgive us  
 als we forgyve tham that misdōn hus  
 also we forgive them that misdōne us  
 and leod us intol na fandinge  
 and lead us into no temptation  
 bot frels us fra alle ivele thinge. Amen.  
 but free us from all evil thing. Amen.  
 Heil Marie ful of grace  
 Hail Marie, full of grace  
 the Lauird with the in hevelrick place  
 the Lord with thee in every place  
 bliscēd be thu mang alle wimmeīn  
 blessed be thou among all women  
 and bliscēd be the blosme of thi wambe  
 and blessed be the blossom of thy womb.

Here out of ninety words are only to be found two—samin and fandinge—which are not in common use at this day. Only two are so badly spelt that any one could fail to see their meaning. Vowels are frequently wrong, and occasional *h*'s misplaced, but in other respects the language is the same as that in use at present. During the very reign in which these specimens were written many of the Anglo-Saxon MSS. were written, and they do not differ materially from that Anglo-Saxon which is presented to us as the current tongue of the reign of Alfred. It is absurd, then, to suppose that English can by any possibility be derived from it. In the Anglo-Saxon tongue, as it is presented to us, there is a very small proportion of English words, and the bulk of it is damaged Teutonic and Scandinavian, the

kind of lingo we should expect to find current among the sea-robbers of the north.

Dr Latham has clearly shown that our English is a midland language, and not the issue of the so-called Anglo-Saxon. At page 23, "Historical Introduction to Elementary English Grammar," he writes:—"The midland or Mercian literature resembles the literary classical or standard English of the present day. This is only another way of saying that the present literary English is not the lineal descendant of the classical West Saxon. And we may go further: we may add, it is less like the West Saxon than it is like the Northumbrian; but it is not Northumbrian, it is midland or Mercian." This is more dogmatic than argumentative; but at least it is clear and explicit, and it agrees mainly with the author's theories. Moreover, it gives one hopes that this great master, who is struggling to free himself from the pernicious Teutonic delusion, has already done so; but alas! a few pages further on he glides back in the old delusion. Almost in the teeth of his own argument, he writes:—"The English is not an equivocal or ambiguous language; it is not Keltic and German mixed in such proportions to make its character indefinite, it is in this respect scarcely a mixed language at all. Nothing short of the minutest philology can trace any Keltic element in it. It contains much that is not German, but this is not Keltic, and neither the other extraneous elements, nor the Keltic besides, can make the speech of England other than English, and English means German." The author had the honour to receive these lines from Dr Latham within the last few months, so that he takes it as his latest view upon the subject. But for the last three words, all the reasoning and argument, to say nothing of

the dogmatism, is in favour of the author's views ; and these words appear to him as utterly opposed to the former part of Dr Latham's argument. One would ask what is that which is neither German nor Keltic, and which yet is so positive that it makes the language an unmistakable original tongue ? The answer should be that it is Ligurian. But this answer is capped by the old Teutonic theory, "this is German ;" but if it is not German, how is it German ? This is a mystery in philology which no dogmatism can excuse. It is an error. Either the admixture of German affects the principle of the language, or it does not. Even so great an authority as Dr Latham cannot be allowed to blow hot and cold. This ought to be corrected or cleared up if there is any omission in the reasoning. As it stands, it is an absolute contradiction in terms.

Mr Marsh's argument in favour of the exaggeration of differences of dialect, would give us hope that there is not so great a diversity as is generally supposed ; and certainly, if one looks at the English of 1388, and bears this in mind, there would appear to be very little difference at that date between the English of the various counties.

The truth is, we English have not begun to think for ourselves ; we blindly leave everything to our blind teachers, and they are simply incompetent to form a true judgment. Who could expect that these respectable professors could subject the MSS. of Chaucer to a critical examination and comparison, from which they might discover his orthographical, grammatical, and prosodial system ? Dr Marsh assures us that no competent scholar has yet done this, nor will they until we throw aside the foreign

trumpery, and devote ourselves to our own business. If our present guides were to perform this work for us, we should have presented to us some wonderful story of a Christ-basin or marriage-gift—an inner meaning which is the creature of a gross delusion.

The fact that Rome spared and protected the language of the Llogrians is a strong argument in favour of its being the ancient tongue of the Ligurians; for, assuming that both were alike, it is obvious that the Romans would, many of them, be acquainted with it. A people so extensively and widely spread over Italy and the surrounding country must have produced many of the soldiers in the Roman ranks, many even of the Roman senators; and it is only natural to suppose that the Romans would be the first to utilise this circumstance, and to govern the Llogrians by those who spoke and thought in their own tongue. And if we believe that the Romans spared and protected the British tongue, how can we suppose that it would pale before a combination of the tongues of Saxon robbers and Scandinavian pirates? Would it not be infinitely more probable that, as they adopted the laws which they found, they would also adopt the speech of the people who administered them? Could they translate the polished phraseology of Thracian lawgivers, with the technicalities and refinements it possessed, into such a jargon as we may suppose a conglomerated assembly like the Saxons would use? We know the Saxons swarmed from every part of the Continent, and necessarily spoke every kind of dialect and language. Their common tongue must then have been of the most limited description,—not unlike, probably, the lingo invented for purposes of inter-

course by the soldiery of any nation, of the great Napoleon, or by our soldiers and sailors in conjunction with the Turks in the Crimean war. Such a lingo springs up very rapidly, but it can have no system for its base, and no rules for its guidance; and surely it cannot be contended that English is wanting in either. We know that the savage nations who came into contact with the language of Rome, either adopted it wholly, or so incorporated it with their own, that their own would change its character and assume that of the Latin. At the decline of the Romish power, the Teutons, the Goths, the Franks, and the Scandinavians, overrunning her provinces, exchanged their languages for the French, just as the Visigoths, the Burgundian Franks, Maesgoths, and Lombards, who settled in the Italian and Iberian provinces, forgot or discarded their original dialects, and adopted those of the lands upon which they settled.

The Normans who settled in England were compelled to discard the beautiful speech they had adopted on taking possession of French soil; they failed to conquer our native tongue, and they gave up their own for it. How everything that was really Saxon speedily disappeared, we know too well; the very name of Saxon would hardly have been known to us, but for modern German alliances. Can we believe, then, that the Saxon speech could displace what the Normans and Romans respected, and could oust that which Rome had imposed upon her children, her captives, and our conquerors? If this be so, the Saxons should indeed have a high and noble origin; and all history relating to them is false and libellous. But what proof is there of it?

The power of language is very great. It has been said that the mastery of language is the mastery of thought—though perhaps the reverse is nearer the truth—and if we owe our speech to the Saxons, and modern historians are right, to them also we owe our philosophy and law, our high moral instincts, our indomitable national will, our wit and eloquence, our warm, quick emotions, our musical tastes and marvellous powers of invention, and, above all, our strong instincts of freedom, and our invincible hatred of tyranny. We possess these still; but of which of them can the modern Germans boast? Are not our characteristics the very opposite of theirs? Is not our speech a fitting exponent of our characteristics?—but how would it mate with theirs? The flabbiness of the German mind, their slowness, their wonder-loving admiration of power, their absence of wit, their impassibility, their insensibility to music, their obtuseness, their lack of invention, and the ease with which they submit to slavery,—all these characteristics (which if not complimentary are truly theirs) separate us as completely as distinct peoples, as we are separated by the seas which flow between our countries.

The proof supplied by the evidence of language is so important, that it cannot be dismissed without further consideration. Our historians are almost silent as to the part played by the Belgæ in the early history of our country;—indeed, if we are to credit the evidence of ethnology, it was neither small nor unimportant. As the prefix to the names of the three Saxon counties would indicate, there were probably only three settlements in this country, the South and East Saxons, and those who resided between

them, who were called the Mid-Saxons. Wessex, as it is usually called, was possibly Middlesex. It is not probable that any country would have lost the name of Saxon before the Norman Conquest; and we know for certain that none but these three counties were then so designated. In fact, Wessex is an invention of the Saxon admirers. The difficulty in the way of a contrary conclusion would be the Belgæ. They surrounded the Saxons on every side; indeed, the Saxons were inextricably intermixed with them long before the time of Cæsar. They had many settlements on the coast of Kent, and who shall say, in the silence of history, how long previously they had been settled there?

The Belgæ, though little is known of them, are admitted to be a Celtic people. Latham, Thierry, and Prichard are agreed upon this point; and their language is closely allied to the Welsh. One-third of the vocabulary of the Welsh consists of roots which they possess in common with the Belgæ; and the dialect of that people is closely allied to the Saxon, which is largely enriched by Belgian words. The Belgæ appear to have occupied the counties of Kent, Hampshire, and even parts of Wilts and Dorset; and are again to be found north of the Saxons, between them and the Angles. There can be but little doubt that the term of Saxon was applied to them in reproach for their close union with that people, a union probably forced upon them by the violence of successive bands of Saxon pirates and robbers, who managed to settle amongst them. From what period this union began it is impossible to determine, but that it was at a very early one, and centuries before the date of the fabulous history of



Hengist and Horsa, is tolerably clear; for the coast extending round from the lands of the Angles in Norfolk and Suffolk to Sussex was in Cæsar's time, and probably before it, called the Saxon shore. It would seem, then, that the Saxons borrowed much of their speech from the Belgæ or Celtæ, who were settled in the parts of England which they inhabited; and yet we are told that we derive our speech from them. We have, no doubt, gained a poor admixture of barbarous words from them, but they only debased the singular and philosophic structure of our primitive tongue. In some parts of England this admixture is reckoned only at one-sixth, but this estimate must be taken cautiously, for it is made after centuries of English domination, to which nation the greater part of the sixth probably belongs. Dr Donaldson considers that our speech is Celtic in idiom, slightly infected with Latin. Its words have been counted, and but a small portion of them can be traced to a Teutonic source, and of these how many of them have been borrowed by the Teutons from ourselves. Now it is a very grave question how far the theory of a common origin between the Teutonic, the Celtic, &c., and the Sanscrit, is correct. Philologists are too apt to jump at conclusions. Because they find foreign words in a native language, or native forms of foreign words, they immediately conclude they are indigenous. We cannot find an unpolluted source of pure Saxon, simply because so long as that tongue was spoken it was unwritten; and it is only when by residence in a more civilised country, when it has become infected by foreign idioms and enriched by foreign words, that we can gain any knowledge of it. What, for instance, were the Saxon terms for father

and mother, before they learned the words *pater* and *mater* from communication with Roman institutions? If we could answer this question, the same would have to be asked of every other Sanscrit word in their language, and the same difficulties would occur in answering it. In many cases the original words would be lost; in others their existence might open another puzzle.

Lord Macaulay considers that although our language is less musical than the languages of the south, yet in force, in richness, in aptitude for all the highest purposes of the poet, the philosopher, and the orator, it is inferior to the tongue of Greece alone. The German philologist Grim pays a high tribute of respect to it; he says that it may with reason call itself a universal language, and that it seems chosen, like the English people, to rule in future times in a still greater degree in all quarters of the earth. Can such a language as this be the offspring of chance, or the tongue of a mixed rabble of the scum and dregs of several nations? Even supposing that there was some truth in the story of Hengist and Horsa, of an immigration of pure Germans colonising this island, what dialect of these people can be compared with our English tongue? The purest Teutonic, if it were possible to point out a dialect which is original, is infinitely inferior to it—in comparison, the merest gibberish. But surely, if it had such an origin, it would bear some affinity to the language and the dialects of the Continent. Yet a great master of English literature, Dr Latham, assures us that “throughout the whole length and breadth of Germany there is not one valley, hamlet,

or family which can show definite signs of descent from the Continental ancestors of the Angles of England. In no niche or corner can dialect or sub-dialect of the most provincial form of the German speech be found which shall have a similar pedigree with the English." The whole quotation is given, because Dr Latham, with all his lights, falls into the error of confounding the Angles with the Saxons, and follows Dr Donaldson in his belief of their German origin; though, if one doctor proves that it is not German, and the other that it is Celtic, it is difficult, notwithstanding their agreement, to see what more is required.

If we accept the theory that our own English was the language of the Ilogrians, we dispose of the great difficulty presented by the difference between the tongue of the Cambrians in Wales and the Britons who settled in Armorica, for the Armoricans were unquestionably chiefly from Ilogria, the Cambrians doubtless remaining in their own mountain fastnesses. We know that the Cornish language was more nearly allied to the British than to the Welsh. That settlement was undoubtedly commenced under the Romans, and received great accessions from the time of their departure, although it must not be taken for granted that the Roman inhabitants departed with the Legions; indeed, we know positively from Bede, that this was not the case, and we have Dr Donaldson's testimony on that point. He writes, "Although the Romans withdrew their armies, under the pressure of the Gothic and Hunnish invasions, it is clear that they did not displace the numerous colonists whom they had established in this country. The

officials may have followed in the train of the retiring Legions, but the landed proprietors, farmers, tradesmen, lawyers, and clergy, in all probability connected more or less, by birth or marriage, with the natives of Britain, must have remained to manage their estates, to bring up their families, and to carry on their professional avocations."

In all probability, however, in the more eastern parts of the country the flower of the British people and the educated members fled at the approach of the Northern hordes, and left the country to the tillers of the soil, who probably gained greatly by the change; for as it would be simply impossible to remove them bodily, it would be as difficult for the invaders to deal with them without allowing them a fair share of the territory. Indeed, they must have had the same occupation of the land as they had before, and probably only paid their rents and services to their new masters, though the majority of them, doubtless, compounded for them by the payment of a tribute. It is hardly to be expected that the Britons who settled in Armorica, should have preserved much of their language, surrounded as they were by those who had adopted the French tongue, a Romanised Celtic tongue, nearly akin to their own. The differences which at this day exist between the English and Welsh, and between the Welsh and the Greek, are not greater than might be expected from the divergence between different parts of the same nation. There is nothing in them to present any formidable difficulty to the ethnologist. There must have been a great difference between the English and the present inhabitants of Wales, which can only be accounted for on the supposition that

the aboriginal inhabitants did not leave the soil, as it is insisted, but remained on their homesteads; that, in fact, the Welsh are the remnant of the natives of the Cymri who originally peopled this island. Some writers assert that the Welsh are the younger branch of the Celti; it is enough to state that they are of a different era. If they are not another branch, the difficult question arises, what has become of them? That at the time of Saxon supremacy, many true Britons, as well as Roman families, took refuge in Wales, and also in Armorica, is clear; but it does not follow that they settled in such large numbers as to destroy and set aside entirely the ancient dialect; and we know that many parts of Northumbria, Mercia, with the whole of West Anglia, were almost exclusively peopled by the Britons, and that they were never displaced at any time, for their descendants are there still. The probability is, that the nobility of Britain, though for a time they took refuge in Wales, did not finally settle there, and that down to the time when the Danes eventually overran the country, they continued to emigrate and take refuge in Brittany, where they would remain until, as Normans, their descendants returned once more to their beloved country in the martial ranks of William the Conqueror. We cannot believe that the noble knights of King Arthur's day, the Roman and British nobles who formed the court of that last Roman Emperor of Britain, could so degenerate that their descendants became the homeless, houseless wanderers described by Archbishop Peckham in his letter to Edward I. That country, so rich in minerals, affords but poor pasturage, and was besides very thickly populated, and the tide of emigration

was, no doubt, flowing across the channel from the time of the departure of the Romans until the re-establishment of law and civilisation at the Norman Conquest. We learn from Procopius how early the tide set in in that direction. But even William the Conqueror did not gain possession of the whole kingdom. For twenty years there was continual fighting between the Normans and the Angles of the north, who were occasionally assisted by Danish kings, anxious to re-establish themselves in this island; and even after the north was subdued, it was rather a dependence of the Normans than an integral part of their English dominions. The Norman kings, says Thierry, who succeeded the Conqueror, dwelt with perfect safety in the southern districts, but did not venture north of the Humber without some fear, and a chronicler who lived at the close of the 12th century assures us that they never visited that part of the kingdom without being accompanied by a strong army. England was divided ecclesiastically, as well as civilly, into the provinces of York and Canterbury. There were two feudal or heraldic districts, the Norroys and Surroys, or Clarencieux.

A striking proof of the vitality of the Angles consists in the fact that the country never lost their name—that it retains it to this day. England was never called Saxony, even by the Saxons; they called it England, though they sometimes styled themselves, as they were, Kings of the Saxons, but they always called the territory England—the Saxons themselves adopted the name of the country, as they took its language. Ethelbert, a Saxon, wrote his laws in English, as is stated in one edition of Bede, though no vestige of them remains; for those, like the older

laws of the Saxons, can only be read in the MSS. of Ernulphus, a most suspicious source. If Ethelbert published his laws only for his own people, would he not have written them in Saxon, whatever that language may have been? For I take it, that, except a few barbarous expressions, the original Saxon is lost, and it has died, leaving only an uncertain trace behind it, for we shall find, when we come to consider the question, that both the Saxon literature and Saxon language which we possess are forgeries, and rest on no sure foundation.

## CHAPTER VII.

### THE EVIDENCE OF ANCIENT HISTORY.

IT is not to be supposed, because we have satisfactory proof of the presence of Italian, Umbri, and Liguri in this country, that they were the only inhabitants, for we find that even in the days of Cæsar—a century before the Romans gained any permanent footing on this island, and half a century before the birth of Christ—that there were as many as thirty-three separate nations in the island, each having its own prince, and being governed probably by its own private law. Many of the tribes must have settled here ages before the descendants of Gomer had crossed Europe and had reached the Western Ocean. Prior to that period would be found here descendants of the brethren of Gomer, of Tubal and Mesech, of Javan and Tiras.

It was probably owing to the isolated position of Britain that the inhabitants had preserved more fully and correctly the traditions and learning of their ancestors, and hence became the teachers of the Continental Celtæ, who had lost even their name in their wanderings, and doubtless much of their ancient knowledge, and who, when they arrived at the confines of Europe, found amongst the British much of the learning they had lost—if not perfect, at any



rate in a higher state of preservation than anything they themselves possessed.

Fortunately—for the investigation is surrounded by almost insuperable difficulties—we are not greatly concerned with the history of the first inhabitants, or with the curious problem of antiquity regarding their earliest settlements; but we cannot think of Stonehenge, which was out of date in Cæsar's time, and had even then lost its history, without calling to mind that this country must have been an important settlement very early in the world's history, probably in the very age of Noah himself; and we cannot read in the first book of Moses the fact that "the sons of Japhet divided amongst them the Isles of the Gentiles, every one after their tongue, after their families, in their nations," without believing that they also peopled this country, and that with several distinct families.

We know from history that the Phœnicians traded to this island, and that they alone (at any rate of the Mediterranean traders) possessed the secret of the passage. We all know the story of the Phœnician captain who ran his ship ashore rather than permit a Roman navigator to discover it. It is highly probable that they colonised this country, and probably their descendants were amongst the nations existing in the time of Cæsar. But the first settlements of the inhabitants of this island were probably older than this era, and date back from the time of the first dispersion and settlement of mankind.

The Phœnicians, though great colonisers, were chiefly merchants, and to them trade, rather than territorial dominion, was most desirable. Phœnicia, like Britain, was content to be mistress of the seas.

They were great masters in the science of metallurgy, and doubtless they may have instructed the British in their knowledge, when they found them possessed of the valuable minerals. But if they were instructors only, and did not themselves gain learning and merchandise from the Britons, they would hardly have called them by their ancient name of Albion, perhaps the oldest by which these islands are known in history, for the Greek name Cassiderites is probably more modern. We know that part of the lot of Tubal was called Albania; and from Ezekiel, that Tubal and Mesheck traded in vessels of brass. We can hardly doubt but that the sons of Tubal and Mesheck established their trade here, and they may have given to this country its oldest name, and that they must have been amongst its first, if not its very first inhabitants. We cannot altogether reject the tradition of the ancient Britons—those settled in Wales—that they came from Troas. Pliny tells us of a town in Phrygia called Cimmeres, a name clearly derived from Gomer. The Phrygians were ultimately dispossessed by the Galatians, or Gomerites, who, in spreading abroad, also probably colonised this island.

Nor can we discredit the relationship of the Gauls or Celti with Thrace. The similarity of the Thracian with the British tongue, their identity of religion, and the evidence we possess of their early connection, leave no doubt that the descendants of Tiras also sent hither a colony of their people; and equally strong evidence may be suggested in favour of the theory that we have descendants of Gog amongst us. The use of the bow in England, and of the war-chariot, denote a Scythian descent. So we may speak of all

of the sons of Japhet. The Phœnicians, from whomsoever they descended, probably learned their seaman-ship from the sons of Japhet, who were undoubtedly the first navigators. We know they adopted the sea as their home, and they must have possessed ample means of transport from one island to another. The ships of the Phœnicians were so large and numerous that they had not the least difficulty in colonisation; and we may therefore safely conclude that their forefathers had equal facilities.

On no other hypothesis than that the ancient inhabitants of this country were the descendants of Japhet can we account for their primitive language, their religion and philosophy, and for their knowledge of the arts and sciences. Professor Lappen-berg admits that in every step in the region of British tradition we meet with an Eastern origin. In Stonehenge we have a stubborn fact, which no one can otherwise account for. If it indicates a crude state of external worship, it only points to the primitive times; and it indicates a vast exertion of physical and mechanical power and knowledge, which we know the primitive inhabitants of the world possessed. The numerous nations who resided on the island in Cæsar's time—we know this from him, and from contemporary historians—were still living as separate nationalities, and having their own princes and rulers. Some of these nations must have been the descendants of the first settlers. In Cæsar's day they formed one nation. No doubt, centuries before this date, they had become intermingled with the numerous tribes of the Norse countries, who chiefly peopled the Eastern shores, and drove them

westwards; and if we consider the numerous separate colonists subsequently imported by the Romans, and how all these nations, by a common misfortune, became blended together, we cannot be surprised that our law is not called British, or Celtic, or Ligurian, but has the cosmopolitan appellation of which we boast.

The early settlements in this country must have been the regular removals of tribes, with all their household gods, and ancient stores of learning complete, and not a mere fortuitous concourse of atoms; for the very earliest writings of which we have any knowledge refer to the Celtæ,—the name by which all the nations of this island were generally known, probably because the Celtæ were the last comers and most recent conquerors beyond the western coast,—as having been possessed of stores of knowledge greater than that of the mother country, to which they of the latter were in cases of difficulty accustomed to resort for help and instruction. Homer sent Ulysses to the coast of the Western Ocean, to the land of the Celtæ, to consult the dead. It could scarcely be that the original settlement of these Celtæ was on the coasts of France, in Armorica, and that the British settlements were only made by degrees, as the restlessness and wars of the people of the Continent drove the mover to take refuge in the quiet and beautiful groves of the island. For the very name of Britain, if we accept the derivation of the word from Bria or Briga, which is Thracian for breastwork, would indicate that the settlers here were the vanguard of the nation, and headed the exodus from the mother country. Be this as it may, in process of time this happy

island, remote from the strife of contending nations, gifted with a delightful climate, soft and warm, yet bracing and invigorating, and covered by a beautiful verdure which is not to be found elsewhere upon the earth,—at once the best adapted for an active, a contemplative, and a bucolic existence,—the very desideratum of the philosopher,—became the abode of the wise men of the East; and from hence was dispensed that modicum of truth which man had collected for himself outside the pale of God's peculiar people, and preserved as carefully as was possible in the absence of an infallible teacher. That after the lapse of so many centuries it had arrived at a stage very far removed from the truth is not to be wondered at; the wonder is that so much of the truth was visible, and this melancholy truth shows the absolute necessity for an infallible guide, a living representative of the Light of the world. In Britain dwelt Abaris, who delivered his arrow to Pythagoras, and who instructed him in all the doctrines of his sect. Centuries after, Cæsar found those very doctrines flourishing here and in Gaul. Pythagoras must have taken his store of learning from hence, for all tradition concurs in the proof that he came to us for it.

Cæsar has done greater justice to the Gauls, whom he conquered, than to the Britons, whom he failed to subdue. His success over the Gauls made him more generous, and his testimony concerning their learning is most valuable, for what concerns them we know concerns us. Cæsar himself admits that the Gauls resorted to Britain for their education.

Now Cæsar proves the most important truth of all, that in their literature the Britons used the

same characters as the Greeks. Where did they obtain these, and from whom? We know that the Phœnicians taught the Greeks the alphabet, and the old Italians their letters; and we find the same letters in use in Britain before the Roman conquest. As long prior to this date the Phœnicians had traded with Britain, it may fairly be conjectured that from them the British obtained their alphabet, and not from their subsequent intercourse with the Greeks. We have but an imperfect idea of the language of Phœnicia, for it is only known to us from inscriptions, and these containing only capital letters; we are in doubt as to the use by the people of vowels; though, as the Greeks, Latins, and Britons used vowels, it is highly probable that their masters the Phœnicians did the same. These inscriptions being undated, we can learn little regarding the exact state of it. The localities in which they are to be found accord precisely with the historical accounts which we possess of their wanderings, and throw a strong light upon the theory of their settlement in this country. They are rare beyond the range of the Taurus, and in the eastern parts of Africa. They are to be found in Sicily, Malta, and Spain; in fact, along the road by which they voyaged to this island. As, in fact, the whole of the European alphabets are derived from the Phœnicians, through the Greeks and Latins, it is absurd to talk about indigenous German or Saxon alphabets. The fact that the literature of the country (as the name of Druidism itself) was Phœnician or Grecian, is enough to make Britons proud of their race, especially when we remember that the Teutons and Saxons had no literature at all to compare with it,—certainly none until the Catho-

lic priests, long afterwards, taught them the use of the Roman characters. The Britons unfortunately made but a sparing use of writing, as did the Greeks. The sages of the law kept their wisdom hidden in their breasts, lest any one should deprive them of it,—a proof that their intellectual superiority gave them power when they could not otherwise have obtained it; and we know that one of the strongest characteristics of British law was, that, like the Grecian, there was no power to enforce it except by moral means. The Roman—and, copying from him, the Teuton, German, Saxon, and Scandinavian—imprisoned the debtor, or the man who refused to obey the law. The Briton and the Greek, like the early Christian, put him outside the pale of their society; and the great moral force they possessed, which enabled them thus to subdue the refractory, and compel justice between man and man, proves their immense superiority to their conquerors, and the superiority of the means they employed to the vulgar means of Roman authority, which did not scruple to enlist might in the cause of right. The bitter hostility the Romans showed to the Druids in after-times, when they had gained possession of the land, and their cruel persecutions—a war of extermination—which they carried on against them, even if we had no shreds of their learning left to convince us, would prove their mental superiority. The stories of the atrocities of the Druids were mere inventions of the Romans, to cover their own cruelty, and to excuse it. The religion of a people who were so mild and merciful that they would not even imprison their debtors, as did the Romans, could not be bloody.

To the same cause may be attributed the charge of

polyandry, which Cæsar made against them indiscriminately. That the Phœnicians colonised parts of Cornwall, settling there for the sake of the metals they found, is probable enough, and that these small colonies adopted the custom of their fatherland is not improbable; but it was never a Celtic custom, and the majority of the nation, if they were not of Celtic blood, had adopted Celtic customs. To the Phœnicians also, probably, may be traced the worship of Trismegistus, whose name, corrupted to Thoth or Teuth, is still existing in Cornwall, having been baptized into the Christian Church.

As we do not possess any early history of Britain which possesses authority, in order to dispel the gross lies of our modern writers, we must resort to the ancient literature of Greece; nor shall we be disappointed. Whilst the very name of German and Saxon is unknown to the earliest writers of antiquity, Britain, under different names, was well known, and there is scarcely an authority on the subject of ancient history and geography which does not include some mention of us. Many writers are only known to us by name, their works having long since been lost; but the number of these writers known to us—not a tithe probably of the real number—clearly proves the strong interest felt by the Eastern world about our history. The Roman historians imitated the Greeks, but fell far short of them. We learn from Strabo that what they related, being taken from other writers, some of whom were not trustworthy, very little was the result of their own ardour in acquiring information. That great master of British literature, the Rev. Mr Davies, refers to the want of curiosity on the part of the Romans in



examining the history of strangers, whom they despised, or entering minutely into the value of establishments which had been doomed; consequently, he adds, "The notices which have been left us respecting the Celtæ are slight and superficial. Their documents have been attentively weighed, and men of discernment have engrafted upon them one general conclusion: that the Celtæ, though comparatively to others a simple race of men, were possessed of some useful knowledge not common to them, with neighbours more polished, and which deserved a better fate than total oblivion."

But, happily, we have other and better means to enlighten us than those our Roman conquerors have left behind them; and perhaps, after all, their indifference is not to be wondered at, when we remember that the Romans at this period had no writers amongst them who were worthy to be called geographers, and that even the very passage to Britain was unknown to them until a very short period before. Strabo, evidently writing under the Cæsarean influence, relates how eager were the Romans to discover the passage which they well knew was frequently traversed by the Phœnicians, who alone carried on the commerce with this country,—a statement we know to be utterly inconsistent with the facts, unless it is confined to Mediterranean navigators. When we consider the constant communication which was carried on between the Celtæ of the mainland and the Britons,—which, according to Strabo himself, was carried on from the four rivers, the Rhine, the Seine, the Loire, and the Garonne,—it is curious and difficult to understand how the Romans could be in ignorance of it. Still it is possible to

suppose that Strabo had been misinformed even on so vital a point, or that he had misstated the facts in order to magnify the greatness of Cæsar's conquest, as he thought fit to style it. The reticence of the early Roman writers is at least presumptive evidence in favour of Strabo's statement, unless there was some concert between them to ignore the facts; and we can therefore only conclude that the difficulties of locomotion had been too great for the Romans to make any discoveries for themselves. We must therefore go farther back in the world's history to enable us to obtain a clear account of the British people, and search the literature of the Greeks, and herein shall we find all we want for the purposes of this subject; for we shall find that they had an intimate acquaintance with Britain from the earliest period, and that hardly a Greek writer of note can be passed over without gaining some of the information we desire. Not only do we find abundant evidence in the later writers, but in those writings which are no longer extant we find, from references to them contained in their successors, much valuable evidence of the great antiquity, and the honourable part we have played in the world's history,—and this long before the Greeks themselves had risen into a great nation. Nor are we confined only to the literature of the Greeks for our information. Our Druids were in communication with all the most ancient orders of men, and the histories of the Eastern nations may assist us in our search. Of course, it is not pretended that the early Greek writers are infallible, or free from errors and prejudices. We cannot forget how, only the other day, Herodotus was shown by the Harris papyri, lately

purchased by the British Museum, to have recorded a gross libel on the generosity of Ramses II. He records that this monarch was a great miser, and Diodorus states that he spent nothing in offerings to the gods or in doing good to men. The prodigious number and value of the offerings of the monarch are minutely set forth in the Giant Roll, as M. Chabas styles it. A writer in one of our journals, commenting upon this extraordinary aspersion, adds, "Thus is history written. No wonder honest professors of that branch of ignorance are beginning to find it against their consciences to teach it." It is, indeed, a pity that conscientious men like Charles Kingsley are driven from their professorships to make way for the untruthful calumniators of the present day.

Polybius, who wrote about 160 years B.C., states that many writers had discoursed very largely concerning Britain, controverting each other. From him we learn that Pythias travelled through Britain 400 years B.C., and wrote a learned work, now unhappily lost, though his works are said to have been extant in the fifth century; and if this be true, there may be still hope of their recovery. Hipparchus wrote a similar history, which was extant in the time of Strabo. Many other writers we only know by name, and the names of others, with their controversies, are utterly lost.

Diodorus Siculus gives confirmatory evidence of the fact. He tells us that of old these islands were never conquered; that neither Hercules nor any other of the mighty men warred against us; and he gives details of our ancient connections with the Phœnicians.

If we have lost the works of the oldest historians,

there is little doubt but that in Diodorus and Strabo, and other writers of this period, we possess an epitome of their knowledge. It cannot be doubted that the latter writers in their day had access to them, and probably they have preserved to us the most weighty facts. We find, then, that our country possessed a history as old as that of any country known to the Greeks; and during all this period our nation remained intact and unsubdued—a confirmation of the truth of the old British song, which is but a re-echo of antiquity, that Britons never will be slaves.

Diodorus, in his valuable work, promised to write in detail of our institutions and other peculiarities when he came to the history of Cæsar's expedition; but this portion of his works has unhappily perished, and we can only incidentally gather his views. Diodorus had resided in Rome, and probably conversed with Cæsar himself; and he boasts that Cæsar vanquished the Britons, and compelled them to pay certain tribute—a boast which proves that the Cæsarean fables had greatly influenced his mind—a fact which must warn us not to trust too implicitly to the experience of his own times. But we can safely draw from Diodorus the fact that Britain had peculiar institutions, which he considered worthy of a detailed history. His account of the trade in tin is so valuable that it causes the loss of his works to be deplored still more acutely. He writes :—" We shall speak of the tin which is there produced. They who live near that promontory of Britain which is called Belerium (Cornwall) are singularly fond of strangers, and, from their intercourse with foreign merchants, civilised in their habits. These people obtain the tin by working the soil which produces it. This being rocky,

has earthy interstices, in which, working the ore and then fusing it, they reduce it to metal; and when they have formed it into cubical shapes, they convey it to a certain island, lying off Britain, named Ictis; for at the low tides the intervening space being laid dry, they carry thither in waggons the tin in great abundance. A singular circumstance happens with respect to the neighbouring islands, lying between Europe and Britain; for at the high tides the intervening passage being flooded, they seem islands; but at the low tides, the sea retreating and leaving much space dry, they appear peninsulas. From hence the merchants purchase the tin from the natives, and carry it across into Gaul, and finally journeying by land through Gaul for about thirty days, they convey their burdens on horses to the outlet of the River "Rhône;" and the same writer adds, "Much British tin is carried to Marseilles and Narbonne."

It is clear from this account that time has worked great changes upon the English coast. There were probably many islands which have since been washed away. Aristotle speaks of islets surrounding Britain like a diadem. Ictus, we learn from Diodorus, was forty miles from Cantium, the mainland, and only twelve from the Belgic coast. Many writers place it opposite the mouth of the Rhine, and some have considered it part of the Belgian territory. That it was a post of great importance, we know from Cæsar, and from Diodorus it is obvious that it was of the greatest value in his expedition, as well as in the export and importing trade between Britain and the Continent. It is probable that as the channel was much narrower, the stream was much stronger, for no ship could now come across in a day simply by

the velocity of the tide ; and we know from Cæsar how the tide carried over his legions. This fact is very important in considering the constant and close communication at that period between Britain and the Continent. But the testimony of Diodorus is especially valuable with reference to the morality and manners of the British. Although civilised, which he naturally enough but erroneously supposes to be the result of their commerce and intercourse with the merchants of the Continent, he tells us they were eminently frugal and simple in their habits, and far removed from the luxury consequent upon riches ; although, from the value of their trade, they must have had great wealth : and in their notions of honour were far above the cunning and wickedness of the Romans of that day ; and he especially dwells upon the peacefulness of their character, notwithstanding they had many kings and princes. In fact, in his own way, he confirms as strongly as possible the remarkable similarity of the manners, habits, and principles of the Druids and the Pythagoreans. His account would indeed faithfully illustrate both sects, and prove their identity.

He also records the fact that they used chariots in their wars, and he adds, like the ancient Greek heroes at the siege of Troy—once more illustrating their affinity to that people.

The account Diodorus gives us of the civilisation of the British, and his description of the natives, which agrees with that given by Strabo, contrasts strongly with the record of Cæsar ; and proves conclusively, if we believe them both, that he did not come into contact with the true Britons. And we must recollect that this is only an account of those who travelled

from Cornwall, and it is no account of the people as they lived in that locality. Nevertheless, it is sufficient entirely to dispose of the calumnies of our historians, who would make us believe that the Britons of this period were mere barbarians. The trade in metals, of which Diodorus gives us the modern account, can be traced back to the earliest period of history. Herodotus, writing 445 B.C., proves that the Greeks were indebted to us, and to us only, for their tin, and Aristotle fully confirms him. Poseidorus—either the silver chaser of Ephesus who lived 460 B.C., or the philosopher, who lived some 300 years later—describes the mode by which the tin was obtained, correcting the errors of previous writers. He is probably one of the writers referred to by Polybius, who gives an account of the working of the metal within the island.

There is the strongest reason for believing that the Phœnicians traded with us from the earliest period of their history, and that Solomon, in the building of the Temple, was indebted to Britain for the brass or bronze used in its construction. The people of Tyre and Sidon knew us by name, and regularly traded with us; and following them on the decay of their nation, the Carthaginians continued the commerce; and all through the rise and progress of the Greek nation, we still continued the same course of industry and usefulness.

There is little doubt, according to Diodorus, that the metal was cast into shapes and so transported; but there is actual proof of the fact, for the very moulds have been discovered in England within which the spear-heads and coarser implements of war and domestic life were cast.

We cannot doubt but that the long intercourse with the most civilised nations of the world must have tended to elevate and enlighten the ancient inhabitants of this kingdom, and fit them for the leading part they then played in the world's history. Some proof as to the state of their civilisation may be drawn from the fripperies and fineries of their women. Xiphilion describes the gold finger-rings, the gold neck-chains, and the many-coloured garments of some of their Queens. Their respect for women is a fact which tells greatly in their favour. Strabo tells us that the men were clad in black cloaks, with tunics reaching to their feet (possibly to hide the blue paint which Cæsar fancied that he discovered on their bodies), and girt about the breasts, walking with staves, and bearded like goats. They were very tall—taller than the Celtæ—taller even by six inches than the tallest Roman, with hair less yellow than the Celtæ, but with manners like theirs. He speaks of their dogs as sagacious in hunting and useful in war.

Lucian was told by the Celtæ that reason and persuasion were the real forces by which the world was governed, and that winged words were keener and truer than were the shafts of war. How often does Homer illustrate this idea!

We learn from the testimony of many authors, ancient and modern, that they coined money, worked lead and tin mines, made bronze in true proportions, cast spear-heads, worked their metals, fashioned jet, cemented stones by glazing them with fire, made wicker-work coracles and war-chariots, ornamented their armour, dressed clay soils with lime, composed poetry, played the harp, studied philosophy and the



sciences, trained dogs and horses for hunting and war, and many other things equally satisfactory, in proof of their high state of civilisation; and, as a proof of their intellectual and social advancement, it may be recorded that the Romans themselves took advantage of their intelligence, and adopted many of their customs. We learn from Virgil that the Romans trampled out their corn with cattle, but the British used the flail; and this instrument the Romans adopted from them: so also they taught them the use of the reaping-machine, a Gallic invention; so whetstones were long in use in Britain, and the use of them was imparted to the Romans. The Romans exchanged the heavy white wheat of Italy for fine Gallic red; so the Romans learnt from the British the use of barm or yeast, the practice of sifting flour through hair-sieves, the making of butter. Pliny (l. 11, c. 41), describes it as the spurn of milk, more concreted than buttermilk, and having the nature of oil in it; so our cheeses were highly esteemed; and turnips and carrots were luxuries we introduced to them. But perhaps the greatest improvement which the Romans derived from us was in war-chariots, which they adopted and used for purposes of pleasure, and in their public games. Concerning their personal characteristics, we find, writes Pearson, from actual observation, that the skull was smaller, but (what is of infinitely more importance) far more regular than that of the German or even the Roman; that it was exquisitely geometrical, the frontal development uncommonly good, though perhaps not equal to that of the Greek; that the predominancy of the emotional departments, and the deficiency in the back part, show the man

to have been, as we know he was, intellectual, impulsive, and deficient in determination. If the personal element is wanting, we know that the far higher gifts of intellect were there,—that the Briton had faith in unseen law above will. His bursts of courage were unfortunately succeeded by sudden despondency. He was terribly superstitious and susceptible. If he lost his chief, as in the death of Boadicea or Arthur, his energy was gone;—he accepted the suggestion that the stars of heaven fought against him, and quailed before a higher Power than man.

Nor was the intellectual Briton a coward. This people made a longer and a stronger resistance than was offered in Gaul, or in Spain, or in any of the Continental provinces of the Western Empire, both to the Roman invader, and subsequently to the Saxon.

It is probable that the English as a body are indebted to the Romans for that mixture of the practical with the speculative which is to be found in their character. The Romans found them a highly intellectual but unpractical people; and though they left them vitiated and weakened, perhaps, by participation in Roman vices, yet in the four centuries which followed they must have done much to regain their character: and the terrible lessons they went through in the succeeding period, under the bloody and iron rule of the Saxons, must have done much to purify them as a people, for, after all, vice is the sin of the individual, and if, as doubtless was the case, these long trials gave them strength and purpose, the terrible scourge of the Goths can only be regarded as a blessing, without which the Britons

could not have hoped to have become, as they undoubtedly are, the first people of the earth.

Thus ancient history proves conclusively the exalted character and intelligence of the Briton, and lays the foundation for a reception of the belief in his boasted pedigree. The Britons themselves claimed to be descendants of the ancient Trojans, and unquestionably they show at every stage of their history that they are worthy of such high descent. Although it may be dangerous to depend upon Homer, yet there is strong reason for believing that in his grand works there is a substratum of historical truth. It is not necessary to determine whether he was describing real events accurately, or whether he, like the bards of the Druids and their descendants at this day, coloured highly the deeds of the ancestors of those for whom he composed his verses; it is sufficient to assume that he was describing the events of a war which actually occurred, and hence we may fairly conclude that he was careful to describe accurately the allies of either party. Now he distinctly includes the Pelasgians and the Thracians amongst the allies of the Trojans; whilst Pelasgian Argos, Cephallenian Samos, and the men of the opposite coast fought on the side of the Greeks. Thus is strengthened the belief in the truth of their claims; but, if they were not so descended, at least their ancestors may have been amongst the allies of Troy. Why, then, since history and probabilities confirm them, should their tradition go for nought, and be treated with incredulity and disdain? Let those who assail their position show anything like equal proofs against it. Until then, Britons can remain satisfied in their belief, and glory in the wealth of its possession. It

must be remembered that this tradition is not a new one; the traditions of the Saxons did not come to light till after the Norman Conquest; but the tradition of the Trojan descent of the British—that is, of the Gallic portion of the inhabitants of this kingdom—is as old as anything we know concerning them. Amminianus writes in the fourth century (l. 15) of the settlement of the Gauls in Europe:—*“Aiunt quidam paucos post exidium Trojæ fugitantis Græcos undique dispersos loca hæc occupasse tunc vacua.”* Humbaldus Francus, in the sixth century, deduced the Franks from Francis, son of Priam; and Isidore, in the seventh, hints at the same source. The Trojan extraction of the French was the favourite opinion in France in the seventh and eighth centuries (*“Hist. Lit. de France,”* t. 4, p. 271. *“Du Chesne, Bib. des Ant.,”* c. 3, p. 10). It is, of course, possible that the author whom Geoffrey de Monmouth copies may have learnt this tradition from the French writers; but this will not account for the Welsh entertaining the same views; and unquestionably both the British and the French have each of them this same tradition respecting their Trojan origin. At any rate, then, it is respectable for its antiquity, and deserves a better fate and more consideration than it can now obtain. Moreover, it is also clear that, according to the annals of Roman history, the Britons deduce their origin partly from the Romans, and partly from the Greeks, so that this tradition may be said to have a world-wide history. The Roman traditions relate that Eneas had several sons, and that he married Albania, daughter of King Salmus, and founded the city of Albania. (See Johannes Mahala, a writer of the

era of Justinian.) It is possible that this may account for the name of Albania being applied to this country. Cediemiſius (vol. i. p. 238, ed. Bonn) gives a ſimilar account, and mentions two ſons of this marriage, Evander and Pallas. Isidore hints that the Britons were ſo called becauſe they were “bruti.” There may be truth in this pun, and the ſon of Eneas may have obtained this ſecond name from his perſonal peculiarities.

## CHAPTER VIII.

### THE DRUIDS.

THE history of the Druids, and a knowledge of their ethics, is of great importance; for there can be no doubt that they were the authors and custodians of that body of Law, of which so many fragments have been handed down to us through the labour of Howell Dda and his successors; and there is no great difficulty in the way of obtaining it, for their identity with the Celtæ of Gaul is clearly shown from the testimony of Cæsar. He tells us that they had the same gods and the same *cultus*. It is also an undoubted fact that the nobility of Gaul resorted to Britain to carry on their studies under Druidical teachers; for Britain was the chief seat of their religion. just as afterwards, when the Norsemen drove out the nobility from Britain into Armorica, that country became so, until the final dissolution of the Druidical orders.

Dionysius Periegetes, who wrote a very valuable geographical treatise in Greek hexameters, describes the celebration by the Britons of the rites of Bacchus, wherein he says: "The wives from the Amnites' distant shore performed the rite clad in dark ivy, while the shrill echoes of their chant resound louder than on Absinthus' Thracian banks Bistonians hail the

harsh Iraphiote ; nor do the Indians on the Ganges shout as do these women ‘ Evoe ’ to their God.”

This description carries back the Druids to their Thracian home, and proves, as many other passages from the classics also prove, that the religion of the Britons was identical with that held by all the disciples of the Pelasgians, by the Greeks as well as by the Romans, and (as Dionysius would seem to indicate) it was like the religion of the Indians also,—the strongest possible proof of the Eastern origin of our Druids. The allusion to the echoes from the distant Amnites’ shore would seem to indicate that the Druids, like the Delphian priesthood, were accustomed to resort to Thrace or Thessaly in search of virgins who might fitly administer their oracles.

The identity of the British Druids with the Hyperboreans of the Greeks is tolerably clear and distinct. Mr Davies tells us that it may be broadly stated, upon the authority of Diodorus Siculus and others, that they were identical. The ethics of the Hyperboreans agree with Druidism ; their chief characteristics were piety, inoffensive as well as peaceable conduct, and fortitude. It is assumed with much force that those men who brought their gifts to Apollo in the vale of Tempe, down to the last ages of Paganism, were British Druids ; no other sect or people will answer so fully and completely to their description. The Hyperboreans used the wheat straw in the rites of Apollo and Diana, and it was indispensable to the sacred mysteries of the Thracians.

Abaris, the priest of Apollo, carried the arrow round the world fasting. He made no provision for his journey, as was the custom of the Druids. We do not know the precise dialect or even the language

of the Druids, but we know that, besides using the Greek characters, they employed in their writings a peculiar character of their own, from which a special dialect may be inferred. It has been doubted, indeed, whether the Druids were not a separate nation, living among the British, but it was more probable that their dialect was only adopted to assist them more fully in concealing their mysteries; and from the fact that the British nobility, of whatever kindred or nationality, entered into this fraternity of intellect, it would seem that at any rate they were not exclusive in their habits.

The Hyperboreans, we know, used a peculiar dialect, and both they and the Druids no doubt adopted every means possible to mystify the vulgar. The Druids professed a remarkable attachment to the Greeks, deducing their friendship from remote periods. It is related that some Greeks formerly visited the Hyperboreans, with whom they left consecrated gifts of great value; and the visit of Abaris from the Hyperboreans to Greece is also recorded, when he renewed friendship with the Delians. This, doubtless, refers to his visit to Pythagoras. The Greeks acknowledge that Pythagoras was a disciple of the Celtic sages, and that he had received the arrow of Abaris.

It is possible, if not absolutely probable, that Pythagoras renewed and replanted here the colony or club which was broken up and dispersed at Crotona; or more probably, the members assembled here to join the philosophic clubs which were already existing.

Aristotle owns that philosophy did not emigrate from Greece to Gaul, but the reverse, and it is quite



clear that he received the doctrine of the Metempsychosis from the Celtæ.

Homer clearly referred to the Druids in sending Ulysses to consult the dead in the land of the Cimmerii and the dominions of Pluto, whom the Celtæ acknowledged to be their father.

Virgil had undoubtedly studied Druidism. In his sixth Eneid he makes Enæas procure a branch of the mistletoe as a means of his introduction to the court of Pluto; and in another part he refers to the Gallican Tau, the symbol of the Druidical Jupiter.

Artemidorus of Ephesus, who lived 100 B.C., and who doubtless visited these Islands, bequeathed to us certain important information, which paves the way for the reception of the idea that Pythagoras had done so, for he speaks of an island—no doubt Mona, now called Anglesea—near Britain, where sacred rites were celebrated, similar to such as are celebrated in Samothrace to Ceres and Proserpine. We know from Herodotus that the Pelasgians first visited that island and introduced its famous mysteries; and Pythagoras himself, in all probability, was born at Samos, in Cephalonia, from which island Samothrace was peopled. It has been fiercely contended that the Pythagoreans derived their secret religious usages from the Egyptians, but so far as can be traced with any degree of certainty there is nothing in them but what might have been adopted, quite in the spirit of the Greek religion, by those who knew nothing of Egyptian mysteries; and what was peculiar to Pythagoras in this respect admits of being referred with greater likelihood to the *cultus* of the Tyrrhenian Pelasgians.

There is no history of Pythagoras extant, and he

certainly left no writings, nor is it pretended that any of his followers departed from the spirit of secrecy which was thrown around the constitution and actions of the Pythagorean brotherhood so far as to leave exact proof of their proceedings, though after the dissolution of the clubs numerous hints may be gathered from contemporary writers, and much information may be collected by a careful study of them. Is there sufficient known of the doctrines and practice of this body to identify them with those of the ancient Britons, or rather with the Druids? The same difficulty meets us with respect to them; for just as the Pythagoreans were pledged to secrecy, so were the Druids; and it is only after the dispersion of this body, and almost their destruction, that we learn anything of their principles. But just as the doctrines of the Pythagoreans oozed out and became known to the world, the doctrines of the Druids became common property; and we now know, chiefly from the laws of Howel Dda and the later writers of Wales, how similar they were in many respects. Both of them were believers in the mysteries of numbers. The elements of numbers were to them the elements of all things; in other words, the principles of numbers were the principles of things. The number three was an especial favourite—a loved division. The Pythagoreans had three kinds of evens, and three kinds of odds. The number three defined or limited the universe, and all things having end, middle, and beginning, and so being the number of the whole. The Druids were especially fond of their Triads; and the governing Triad of their order, namely, to serve God, to do no evil, and to study fortitude, sums up the creed of Pythagoras, whose

maxims were ever in restraint of the passions, especially of anger, and the cultivation of the power of endurance. Both orders were ascetical. The wheaten straw was indispensable alike to the sacred mysteries of the Thracians and of the Druids. Both worshipped the same gods. From British coins and other sources we know that the Druids worshipped Jupiter, Apollo, Ceres, Proserpine, Diana, Plutus, and other Grecian and Roman gods. The studies of each were classified under the heads of *Acoustici*, *Mathematici*, and *Physici*; each, too, had secret conventional symbols, by which members of the confraternity knew each other. Each were divided into three orders. And, finally, they both were distinguished by the same grand belief in the transmigration—and, indeed, in the immortality—of the soul, which alone would place them upon a pedestal far above every sect or school in the world, except that of Christianity. If it be retorted, that Plato and some others of the Greeks held the same belief, it is answered that they derived it from the same source. Cæsar vouches for this belief in the transmigration of souls, and it is clear they held it; and it is well known that the Greeks held it. It was regarded by both sects alike in the light of a process of purification. Souls, under the dominion of sensuality, either passed into the bodies of animals; or, if incurable, were thrust down into Tartarus to meet with expiation or condign punishment; the pure were exalted to higher modes of life, and at last attained to incorporeal existence.

History vouches that the characters of these men were alike. We know the Pythagoreans were most upright and conscientious, full of self-restraint, and capable of devoted and enduring friendship, simple

and pure in their lives ; and this is the character given of the British by Diodorus Siculus, who was a contemporary of Cæsar and Augustus, and partly by Cæsar himself.

If we compare the remains of Druidism which we possess with the early records of the Saxons, we shall be astonished at the superiority of the former, though undoubtedly so many centuries older. The records of the British contain a mixture of allegory, and they involve ideal or mythological characters. They present science to us under mystical forms. They themselves regarded these materials as relics of the first ages of mankind.

Druidism, in its pure and primitive state, was an edifice raised upon the basis of the patriarchal religion, for the purpose of superseding the necessity of recourse to arms in the contentions of independent states, and of restraining the excesses of individuals without the aid of penal statutes. Owing to the dislike of warfare, although in process of time pure Druidism declined, and men were forced to take to the sword, yet even then they were never ready and expert, and though brave they lost the fight for want of preparation. The Celtæ were unaccustomed to conquer (Cæs. de B. G. vi. 621). The Druids were not inventors ; they only sought to keep free from error the grand truths which they had inherited from their primitive forefathers, the immediate descendants of Noah. They were the zealous preservers of early and primitive discipline—of the traditions, doctrines, customs, and opinions which had engaged the attention of the world in its primitive age. They discussed the nature of the Deity, of the human soul, of the future state, of the heavenly bodies, of the terres-

trial globe, and of its various productions. Their conceptions were great and sublime; their speculations comprehensive in their sphere, pervading most of the arts and sciences which had interested the earliest periods. The religion of the Patriarchs had, indeed, been deformed with various superstitions by all nations; but this Order, notwithstanding their many and grievous errors, appear to have retained many of its vital and essential principles. They acknowledged one God, the Maker of all things and the Lord of the universe;—they taught the superintendency of the Lord—Divine Providence, the immortality of the soul, moral responsibility, and recompense after death. The duties of Druids were, to record and perpetuate the customs, traditions, and general history of the nation, from the time of their first progenitors; to administer justice, to superintend the due execution of the laws, to encourage virtue, and punish (by moral means) vice; to inculcate religious and moral precepts, to direct the ceremonies of piety, and enforce its duties. Their studies embraced these elevated objects. Many writers, and especially Dr Borlase, have demonstrated the general and almost close analogy of the religion of the Druids to that of the Magi of Persia; and it has been contended that it is so clear as almost to constitute identity. That this was noted in their day is clear from Pliny, for he calls them the Magi of the Gauls and Britons. But their affinity is not solely to the Magi; they closely resemble the Chaldeans, the Brackmans, but more closely the Orphic priesthood of Thrace. In fact, as we should expect from the similarity of their language, almost all Eastern religions bear a close resemblance to each other, and they are all very

different from the common faith of the Goths and Germans. It should be noted that the Scandinavian religion also is similar to that of the Druids.

The information which Cæsar gives respecting the Druids is most valuable, and especially with reference to the administration of the law. He divides the people into three distinct classes,—those which have always existed, and still exist,—the Druids (Priests and Lawgivers), the Knights, or Freemen, and the servile classes. The Druids alone, he tells us, were exempt from taxation and from serving in the wars. They assembled at a fixed period of the year to determine disputes about property, questions of inheritance or of boundaries; but they did not sit merely as judges in civil causes, they were invested with the administration of capital justice, and they decreed rewards and punishments. Besides as priests, amongst a people who, like all the Celtæ, were remarkably amenable to religious rites and ceremonies,—and as possessing the instruction of the sons of the great, not only in the mysteries of religion but also in the theories of government and the physical sciences,—the Druids possessed unbounded influence. A people who submitted to the rule of so enlightened and exalted a priesthood, could not be mere savages.

To their honour it should be recorded that the Druids were amongst the first to embrace Christianity; and Christianity had undoubtedly taken root in Britain at a very early period, most probably during the earliest days, and whilst the Apostles were upon the earth. For the communication between Britain and Rome at this period was constant, and every grade of society, and the ranks even of the army,

became affected by it. It is reasonable to suppose that it could not long be kept out of Britain, and it may be assumed that their conversion would not recommend more closely to the Romans this intelligent body, but rather lead to their immediate destruction. It has been asserted that the Saxons embraced Druidism, and when the unity of these people had been destroyed by the destruction of their head, they may have differed materially in their practice; and this is possible; but it is a statement without proof; for Druids remained Druids although they had become Christians. Still we are told that Corfe, the Pontiff, the chief of the Druids, persuaded Edwin to embrace the Christian faith. The truth of the tradition may, perhaps, consist in the fact that the Druidical priesthood, after they had become Christians, taught the Saxons the truths of Christianity, a fact which the admirers of St Augustine would seem to deny. The Gauls and Belgians were eager to increase and improve their knowledge of things divine, by studying under the British Druids, who possessed the clearest evidence of truth at the time of the Christian era; and we may readily conclude that this philosophical people would gladly accept the higher truths of Christianity, which enlightened them where they were most in error, and completed the wondrous structure they had upreared and preserved.

It is a remarkable fact, as showing the connection between the British and the Pelasgians, that the Government of Britain by the Druids, at the period of the Roman invasion, had a considerable resemblance to that of the earlier periods of the Roman history. From all this it is clear that the Britons were so ancient a people, that they had existed as a

civilised race probably even before the Greeks had emerged from a semi-barbarous condition. The Greeks were not ashamed to avow a want of information as to the remote events of history, and their readiness to adopt a heterogeneous mass of fable and superstition from their neighbours furnishes the clearest proofs that they had broken the chain of ancient lore. But if we assume, as is just, that the cromlechs, the logans, and the rough pillars, which are still found in Britain, as well as in those parts of the Continent which were inhabited by the Cimmerii, were the works of the British,—as they were certainly used by the Druids, and accorded in their form to their mode of division into circles,—we cannot resist the conclusion that they had retained the science of the Noachidæ, and must in fact have been the direct descendants of that son of Noah whose issue, it is conjectured, settled down upon this portion of the globe, and here obtained that complete exemption from strife and the turmoil of war which was the traditional inheritance of our ancestors.



## CHAPTER IX.

### JULIUS CÆSAR.

**I**T was no savage nation which the Romans found upon this island in the year B.C. 44, when Julius Cæsar, surrounded by his victorious legions, swooped down upon it,—but a rich and powerful people, intellectual and warlike ; and if glory was an object to Cæsar, it possessed the envied reputation of never having been conquered. This reputation may have exerted a great influence upon Cæsar, not only in causing him to undertake the conquest, but in giving it up, for after two failures he ceased from attempting it. We may judge of the immense importance of Cæsar's expedition, from the fact that in one expedition alone he employed 800 ships of transport, besides 28 war-ships, and that he carried over in one day an army of 35,000 men with 4500 horses ; and Cæsar tells us that the number of people was countless, and their buildings exceedingly numerous, for the most part like those of Gaul. He himself admits that his first expedition was a failure, and that he was not strong enough to attack the Britons ; and that even after receiving reinforcements, they attacked him, and that then he left the country. As, of course, a reason must be found for his defeat, he alleged that the system of battle was new to his troops. But inasmuch as we know that it was only

the system used in the East, and that the Romans themselves had suffered from it at home, when the Gauls fought against them in the third Samnites war, we can more readily believe that the Romans had at length met with their masters.

It will do much towards obtaining a reception of the belief in the exalted position of our ancestors, and incidentally to obtain credence for their knowledge of law, to dispose of the libels of the great Julius Cæsar,—libels which, after his defeat, can only be regarded as malicious, and the result of disappointed ambition. Cæsar has described the Britons who conquered him as barbarians—mere savages, who were not even clothed, but who stained their bodies with a blue colour, and who were savage in their lives and customs. Now, in order to determine whether he was speaking the truth, it is necessary to consider what he did, and whether he had a full and fair opportunity of forming an opinion. There is no doubt that Cæsar was highly incensed against the natives of Britain, because of the succour which had been afforded by them to their brethren of Gaul, when he was fighting against that people. Jordan de Rebas Ertheceis says, that in the wars between Cæsar and the Visigoths, Reothimus, king of the Britons, with 12,000 men, fought as the allies of the Romans with Euricas, king of the Visigoths. As Isidore edited this book, it must be of considerable antiquity, though the statement is open to much doubt.

The Romans, who were poor geographers, knew little of this country, and could give Cæsar but small information concerning it, though he must have learned to respect its natives by reason of their fierce resistance and the powerful aid they gave to his enemies.

But Cæsar's means of obtaining information were neither small nor unimportant, even supposing that he did not avail himself of the use of spies long resident in the island. At this time, at any rate, there was constant communication between this island and the Continent. Ships were continually passing and repassing between the ports of the island and the several ports of the Continent, from the mouth of the Rhine to Cadiz, carrying on a great and prosperous trade. In the corn trade alone the Britons employed 800 vessels; and looking at the facilities which Cæsar himself possessed of transporting a large army at once to these shores—a feat which would be a great event even in these days—it is absurd to suppose that there was any want of information, at any of the coast towns of the Continent, of the ways and means of the British and of their common history. For, as we have seen, they possessed a religion and a history in common with the people of Armorica, and they must have been known intimately to them.

It is perfectly clear that Cæsar, in common with the Roman world, was especially desirous of conquering these islands, and it is equally clear that he utterly failed in attaining his object. He pretended that he accepted the fealty and obedience of the Britons, and that they undertook to pay an annual tribute to him, and that he took hostages for the fulfilment of their concord. That he took hostages is clear, if we admit that this was done by seizing a large number of persons and selling them as slaves, together with much booty. But they were merely casual captives, and the Britons never paid one farthing of the annual tribute which he pretended to impose upon them, nor did he ever make the least

attempt to compel them to do so. He proved that he was willing enough to make them pay it, by enforcing the payment of what he chose to call tribute upon every trader from Britain who entered any of the ports of Gaul; and as there was a very large trade even then between the two countries, this tax would no doubt produce a considerable amount. But this is no evidence of the conquest of the nation. The fact that Cæsar taxed the Britons separately as they entered the ports of Gaul does not prove their subjugation; on the contrary, it proves that he was willing enough to annex the island, but was unable to do so. The fact that the memory of his attempts was kept alive, and followed up more than a century afterwards, proves conclusively the anxiety of the Romans to obtain dominion of these shores. Cæsar, in his two attempts, must have wasted an immense sum of money, and the booty he obtained, though very considerable, could not have nearly compensated him for his outlay. It is known that he built numerous ships entirely for this expedition, and that he lost many men and horses, to say nothing of the time wasted in obtaining so bare and barren a triumph. The opinions of his contemporaries favour the supposition that his expedition was an entire failure, and that it was not the alleged poverty of the island that deterred him from future enterprise. Lucan and Tacitus both insinuate that he fled from Britain. Orosius, on the authority of Suetonius, says that Cæsar, in his first expedition, lost no small number of his foot by war, and the greater portion of his horses by tempest; and in his second expedition, Orosius affirms that at one time all his horse were routed, and Dion asserts that at another his foot were completely beaten. We scarcely

require this confirmatory evidence ; the fact that there was a second expedition shows that Cæsar thought the country worthy of conquest ; and that his countrymen followed it up by an actual conquest so many years afterwards, shows that this opinion was only matured by his second expedition.

Tacitus, in writing of the conquests of Britain by Cæsar, adds, that although Cæsar terrified the inhabitants by a successful engagement, and became master of the coast, he may be considered rather to have transmitted the discovery than the possession of the country to his posterity.

Strabo, prostituting his pen in the interest of Cæsar, excuses his refraining from conquering Britain on the score of the great expense of keeping a large army in the island, adding that, much to the honour of the Britons, some of their princes had, by their embassies and court, gained the friendship of the mighty Cæsar ; that they had dedicated their offerings in the Capitol—(if these were the natives whom Cæsar carried off with him, the amount of their offerings would not be great) ;—and he adds, untruly, that Cæsar had brought the whole island into a state little short of intimate union with the Roman Empire. The fact that the Romans had to be appeased by lies of this kind shows the importance of the attempted subjugation of this country.

The story that he came for pearls must be a mere invention to hide the truth, which was that he sought to conquer a people of superior civilisation to his own countrymen,—a nation of poets and philosophers, who had imparted the light of their learning to ancient Greece itself,—a nation which for ages had carried on an important and valuable traffic with the East,

and which the Romans had not shared. It was to enslave this singular and rich nation that he wasted so much time and treasure, and his disappointment at his failure was, doubtless, keen and bitter enough to induce him to decry the people he envied, and to publish to the Romans the grossest falsehoods concerning them. It must, indeed, have been a bitter task for so practical a man to tell so practical a people that he had discovered that the land, for which he had lavished so much treasure, was not worth the conquest, and the tribute so poor that it was not worth the trouble of collection. The fact that the Romans could be so easily misled is a little remarkable, because a trade so important as that which had been carried on overland, by way of Marseilles, for so many ages, must have been well known to many of them; and all those acquainted with the writings of the Greeks—and many Romans were well versed in them—must have been fully acquainted with the history and details of this great nation.

It is true that Cæsar is the first Latin who wrote much concerning us, and probably few of his countrymen had much personal intercourse with us, or they could not have been deceived by him. But in order, if possible, to give Cæsar the benefit of any doubt, is it a fact that he was himself deceived? Had he sufficient opportunity to make a fair judgment? We know from himself how small a portion of the country he traversed, and that this part was laid desolate by the natives themselves. We have the strongest reasons for believing that even then the part of the country into which Cæsar penetrated was overrun by Belgæ, colonists from the Continent, and by savages, pirates, and robbers of the sea, who

swarmed down from the east and north, consuming, like locusts, the land upon which they fastened, and driving away many of the peaceful natives as they progressed onward. The coast was named very shortly afterwards, if not then, the Saxon shore, and unquestionably the Celtic Belgians, the Franks, Frisians, Jutes, Saxons, and Danes, and many other tribes, had established many colonies inland; so that it is just possible that he may have been misled by what he saw. It is doubtful whether the Britons then held so much territory as they possessed in the days of Alfred. As the colonists pushed westward many of the Britons had preceded them; and although, doubtless, the agricultural population had remained and become merged in the new peoples who encroached upon them, yet the British nobility, the Druids, and the Bards, had probably all retired at this period; and it is very doubtful whether Stonehenge was then used for its original worship,—probably even then the chief seat of religion had been transferred to Mona. If we remember that at this time there were at least thirty-three distinct nations resident in Britain, and that Cæsar only penetrated a very small portion of the south-eastern coast—the very portion of England partially abandoned by the British,—we shall see that in all probability he was chiefly opposed by the Belgian, Scandinavian, and Saxon population, many of whom were, doubtless, utterly barbarous, but fierce and warlike. The British were, probably, far too peaceful a people to have succeeded in vanquishing the Roman army without their assistance, and this fact tends to prove that they were united. The presence of war-chariots indicates the part taken by the Britons. That was

essentially a Celto-Scythian custom. But we can hardly doubt Cæsar's insincerity when we turn to his own account of the Gauls, whom he knew to be so intimately connected with the Britons, that they resorted to them for instruction in their religion, which again, as Cæsar must have known, was identical with his own. Cæsar knew, too, that the course of instruction in philosophy, which the Druids of Britain imparted to the Gauls, occupied twenty years in its acquirement. Could he have believed that such a people were naked savages? Was he not, in fact, well informed? Had he not learned in Gaul that which had fired his ambition, and impelled him to undertake two unfortunate and desperate expeditions? If, therefore, we conclude, as we must, that Cæsar libelled the British, and probably maliciously, we must receive all Roman accounts with great caution. Nor can we safely trust the accounts of those Greeks who had been to Rome, or were in direct communication with Romans, for undoubtedly they would be affected with Roman fictions. And if we look at the ridiculous conduct of Cæsar, in celebrating his discomfiture as a triumph, we can imagine something of the conglomerated lies concerning our ancestors which would permeate Roman society. The truth must ultimately have prevailed, or Rome would not have conquered the island, and so have kept back for more than five centuries the savage hordes who were panting to destroy it. We doubtless owe the possession of our Common Law to the Romans, whose conquest preserved it from utter destruction, as they preserved the Britons from a common destruction.

Although Cæsar failed to subdue this country, he



transmitted his ambition to posterity. The Roman people were for a time deluded with the notion that it was a country which was not worth the trouble of occupation; but as time went on, the value of the trade became more apparent. Perhaps the tribute exacted improved in value. Doubtless many Romans settled in the island, in order especially to gain information concerning it. We have proof that this was the case even in the time of Cæsar, and it was frequently the case in the century which passed from the date of his attempt to the conquest of the island. We can therefore well believe that the Romans held this object steadily in view, and took every precaution to ensure its success.

One powerful reason presents itself, which not only accounts for the anxiety of the Romans to possess these shores, but which also proves to us that the Romans would respect as much as possible the laws of this country. The Britons were a kindred race, possessing much the same religion, laws, and language as the Romans themselves, and like them a race utterly distinct from the Goths, the Saxons, and even from the Scandinavians. The Britons were truly a part of the great family of ancient nations, who were waging deadly war with the savage hordes of the North. Strategically, Britain was an important stronghold, and the possession of it gave either party the key by which to turn the position of the other. There can be little doubt but that the Norsemen, even then, were gaining a powerful hold upon the eastern parts of the country, from which, with the co-operation of the Teutons, they might descend southward into the heart of Gaul itself. It was of great importance to the stability of the northern

provinces of Rome to gain possession of the island, and hurl back the advancing tide of barbarism into the sea. This is no mere theory, but a fact, for the Romans had already experienced the weight of the British arm in their wars upon the Continent. We cannot wonder, then, that the enlightened Roman Government steadily pursued the idea originated by Cæsar, and did not stop until they had successfully carried it out, and from a menace converted Britain into an outwork against the barbarians. The century which elapsed from the time of Cæsar's failure must have witnessed a great change in the constitution of the kingdom. As the savage Norsemen pressed inland, the Britons must have receded from the eastern coast; and in all probability, as the relative strength of the two people became more equalised, jealousies would intervene to prevent a perfect alliance between them, and their conquest would be easier.

## CHAPTER X.

### THE INFLUENCE OF THE ROMAN EMPIRE.

AT the time of their successful invasion of Britain, the civilisation of the Romans was at its highest point, although the golden age of Roman law was slowly departing. The admirers of the Greeks, whilst they may think that they were infinitely the superiors of the Romans who subdued them, must admit that they were less ready and practical; and that the system of Roman law, if not so polished, was better adapted to the exigencies of society. It bespeaks for our own law a high character for excellence, that the Romans respected and adopted it; and as the Britons trace much of their descent from the Roman branch of the Pelasgi, we may reasonably conclude that they also preserved much of the ready and practical character of the Romans. The Romans conquered not to destroy society, but to use it; not so much for the mere vanity of planting the Roman standard upon fresh soil, as for the more practical virtue of utilising the province. Hence the Romans retained the law of the people they governed, and as we know from Tacitus, encouraged the English to build court-houses within which to dispense it. They only made great and violent changes in the municipal laws, and those relating to the collection of tribute. The Imperial Government was engrafted upon the

several constitutions of the different kingdoms of Britain, without displacing their several laws. Probably, if not certainly, to the last the native princes were allowed to retain the shadow of their ancient royalty, and to enjoy the allegiance of their clans. Great changes were made in the tenure of land, and the services attached to it, many of which remain to this day; as well as in the law regulating the mercantile community, and in other cases where an opportunity was found for quietly establishing the Roman law; yet nevertheless, except where these changes were made, and in all matters affecting the status of Britain herself, and the dealings between man and man, the ancient laws remained, and we enjoy them at the present day,—a fact of which every true Briton may be justly proud.

The Romans at first divided Britain, under the head of a Vicarius, into four separate governments, or provinces, each of which had a separate government; and afterwards another province was added to them. These provinces were probably not new creations; but were respected because they were formed already,—natural divisions, and inhabited by separate confederacies of many tribes. Although frequently subdivided, yet, periodically, these divisions were restored, until Canute seized the whole kingdom into his hands; and even then they were continued for the purposes of government; and at this day we retain the ancient divisions, though somewhat altered in our several circuits; and it was only under the rule of William the Conqueror that two of them—*Britannia Prima* and *Flavia Cæsariensis*—merged into one,—the others—*Wales (Britannia Secunda)*, *Maxima Cæsariensis*, and *Valentia*—still

remaining practically separate provinces. Spread through these provinces the Romans had thirty *Civitates*, answering, doubtless, to the separate nationalities of the island, most of them conterminous with our modern counties, though some of them have been subdivided to make up the present number. Each *Civitas* was placed under the control of a separate officer, called a Count, and subsequently, under the Saxons and Danes, an Alderman and Earl, and so they remain to this day.

Just as the Sub-Reguli under the presidency of the Druids, the chief magistrates of the *Civitates*, under the *Præsides*, like the nobles of our own day in Parliament, met periodically to discuss all matters of general interest to the province for which the council was called. Petitions for the redress of grievances were discussed, and, if adopted, forwarded to the Emperor: either for the grant of privileges, or for alteration of the laws; in fact, to Rome was delegated, by British forms, what hitherto had been decided by the great councils in this country,—a system which has since been developed in the rise and progress of the Houses of Parliament.

The country districts were presided over by district *Præfects*, the progenitors of the Viscounts—the fore-runners of our Sheriffs, and, under them, by *Eyre-narchs*, or Bailiffs, now styled Sheriff's officers.

All lands, as under British rule, were liable to the triple obligation—as it was known to the Saxons,—the keeping up of roads, and the maintenance of bridges, aqueducts, and walls. The forest laws and rights of the British became part of the Imperial domain.

But the most important change which was intro-

duced, and which converted a peaceful people into an enraged and hostile foe, was in the system of taxation and conscription. The British were compelled not only to pay tithes of their produce to the State, but to furnish recruits for the army. These changes, which eventually drove the people into rebellion, were for a time quietly submitted to; and they enjoyed in other respects, under the dominion of the Romans, even greater liberty, and a higher state of society — higher because more cosmopolitan — than they had formerly possessed under their own government. The Saxons are known to have continued the imposition of tribute from the Britons in their dominions; but they did not require the system of conscription, inasmuch as every man bore arms who was capable of doing so.

Whatever may have been the feelings of the native Britons under the Romans as their governors, it is clear that when once relieved from payment of the Imperial taxation, they preferred the Roman leadership to any other; and this may partly account for the immense popularity of the Roman kings, Ambrosius and Uther. There is reason to believe that the Romans were very good masters but for their system of taxation, which was subject to frightful abuses in the hands of unscrupulous publicans. According to Sulvianus, many fled the Roman provinces on this account, and went to live under the protection of the Goths, who, though intensely ignorant, and without any religion, were not a bad sort of people, until they were spoiled with success, and began to murder each other for the sake of the booty they had collected, and the power they had gained. This occurred on the Continent, but in Britain the

Saxons seem to have been on their worst behaviour; and the natives, after they had thrown off the Roman yoke, implored them to return whatever taxes they might draw. They at least enjoyed a part of their property, and lived an easy and civilised existence. They found, when it was too late, that it was better to share with the prosperity of the Romans, than lose everything from the rapacity of the Saxons.

It has been asserted over and over again that the British religion was literally stamped out by the Romans, but this is obviously untrue. The Romans destroyed not the British religion, but the British hierarchy. They did not object to the chief of the Druids as Priest, but as Pope-King. It was his political power that they dreaded, and they could not get rid of that without destroying the Order. How could the Romans destroy a religion that was their own?—for they worshipped the same gods, only under different names and forms. No doubt the Briton owed his heroic spirit to his religion, which taught him that life was to be despised if it could not be preserved with honour. But of what avail was an heroic spirit without discipline? An army of heroes without a leader would soon degenerate into a mob. The Romans understood this perfectly, and they acted upon it. How could they change the very spirit of a people who despised force, and relied on reason, and bring that force to govern them, unless they destroyed the demonstrators of that reason—the priests who dispensed and defined it? It would be impossible to destroy so purely an intellectual worship, but they could destroy its teachers. As the Britons were then left without their priesthood, they adopted the more readily the tenets of

Christianity, which doubtless were brought to their shores in the first ranks of the army, or of those who accompanied it. No doubt the conquest of Britain would make a great sensation at Rome, and incite Christians to convert the British people.

There is no reason, but the contrary, to suppose that the conquest of Britain by the Romans made any great change amongst the inhabitants. They would go on much in their former mode. Modern historians are fond of assuming the contrary. They write as if a complete change of people, and manners, and customs, occurred on every change of dynasty. They even adopt the notion of extermination, and speak of the race of people under one dynasty as entirely different from the people under another, and more especially as if they possessed different feelings, tastes, and habits. They take too grand an estimate of man, and forget how small is his day when compared to the antiquity of the earth. The fact is, the world has not changed so much as people suppose. There is a fresh shuffling of the cards now and then, and an interchange of stakes; but the old game goes on just as formerly. Although a thousand years compared to the life of man may be a very great period,—and we suppose things must have been very much changed,—yet, when compared to the life of a nation, it is only a very small one; and judging things present by things past, we see readily how great conquests can be effected, and great dynastic changes brought about, without greatly disturbing the daily life of a state, or interfering very much with the comfort of its inhabitants.

We hear nothing of the extermination of the people when the Tudors came to the throne of this



country,—a greater dynastic change than was made by the Norman Conquest. Nor are we told of the displacement of the English on the peaceful conquest of England by Scotland under James I.—though no doubt we were subjected to a Scottish invasion—or even upon the more recent accession of the Guelphs. Or if we look at the still more recent and violent conquests by Russia and Germany of Hungary and Poland, even with the increased facilities of locomotion, we shall find that both these countries are full of their own inhabitants; and in neither case have the Germans or the Russians shown much more mercy or civilisation than was exhibited in the conquest of this country. One great nation cannot exterminate another great nation. The Saxons tried that experiment upon the Danes, and the horrible massacre of St Brice, partial though it was, effectually disposed of their own pretensions, and caused their destruction as a nation. The leaders fell with the hatred and contempt even of their own people.

The Emperor Severus, who died upon British soil A.D. 180, contemplated the utter extermination of the Gothic tribes who infested the North; but his views were chimerical and were utterly disregarded by his degenerate son, the Emperor Caracalla, who, following the policy of his ancestors in elevating the Britons as a barrier against barbarism, gave them freedom, and placed them upon an equality with the rest of the Roman citizens,—they becoming, in fact, Roman citizens themselves. Under his reign Britain ceased to be a conquered province, and became an integral part of the Empire, and frequently its seat of government.

And the accordance of the rights of citizenship to

the Britons was no mere fanciful right, but absolute and unqualified. There is no reason to suppose that Britons were dissatisfied with Roman rule ; on the contrary, there is every reason to suppose that under it they enjoyed great prosperity and true riches. They were permitted and encouraged to participate in the administration of the government, and only—in strict accordance with that invariable rule of the Empire in all its provinces—the very highest offices of the state were closed to them. A Briton could neither be the vicarius of the emperor nor one of the consuls of the provinces ; but Britons could be, and were, the consuls of the various counties, who became afterwards the aldermen of the Saxon time ; and of course they were employed in all the minor offices of the state. The individual rights of the British kings and princes were respected, and they were encouraged to remain rulers in their ancient departments. This was the reward of their high courage and bold insurrection under Boadicea ; our ancestors would feel no shame in belonging to so grand a confederation of states as in fact was the great Roman Empire, and would indeed be proud that their country should be regarded as a province of the highest rank.

The golden age of Romano-Britain was under Constantine. In this island he was proclaimed emperor, and after him also his son, Constantine the Great, the first Christian emperor, who was born here. Constantine was a Roman of the highest birth ; his mother was a niece of the Emperor Claudius. He was originally appointed Cæsar of the Western Empire, and ruled the provinces of Britain, Gaul, and Spain, residing chiefly at York. He practically transmitted his power to the Britons them-

selves, for he married a British princess, whose nephew, Maximus, was afterwards, in the troublous times of the Empire, proclaimed emperor in Britain, and carried back its arms and fame to Rome itself, where he was acknowledged as the emperor, and Constantinople admitted him to be her coequal in power.

The occupation of the Romans was benevolent. They found the country so habitable—and they improved it—that many of them permanently settled in the island, and many of their emperors resided here for long periods. The Roman roads and the massive remains of fortifications and encampments, the fragments of sculpture, tessellated pavement, weapons, and numerous articles of domestic use, which are still to be found in Britain, show plainly how completely they adopted this country as their own; and we know that Agricola, as early as the year 84, encouraged the Britons to adopt the customs and the garb, and, departing from their own asceticism, to familiarise themselves with the comforts and elegances of Roman civilisation. We know, too, that they gave them a vigorous and equal administration of justice, and a complete assurance of safety for person and property. Indeed, it is to be feared that the softening influences of Roman habits weakened the grander qualities of the Briton, and undermined his severer virtue, more especially when the full exercise of his religion was prevented, and for a time at least was unsupplied by another.

But what would tend more than anything else to soften the minds of the Britons to their conquerors would be the terms of perfect equality upon which they married amongst them. The Romans and the Goths were as complete and separate peoples as the

Negroes and Americans of our time. The Briton was not kept at a distance like the Goth, but received as a brother; Britons and Romans intermarried, from the common soldier to the highest noble. A great number of colonists doubtless accompanied the Roman soldiery, and they would gradually pave the way for a more intimate alliance. From a very early period of the settlement, the soldiery began to settle and to intermarry with the people. At first, of course, it was only the soldier whose term of service had expired, and they held their lands by military service, forming a kind of army of reserve. But gradually, as the Romans became at ease, service in the field became an honour rather than a task. Many of the soldiers fit for service were allowed to marry, and grants of land were given to them, of course also to be held by military service, their officers receiving greater grants, with a general supervision over them—thus originating, or perhaps only continuing, that system of knight-service and freehold tenure, which never afterwards was abandoned even by the Saxons, and which was fully restored upon the accession of the Normans, under the name of the Feudal Tenure. When the Romans saw their highest nobility forming marriages with native princesses, we cannot be surprised to find that the people became absorbed into each other, and that at the end of four hundred years it was impossible to separate them. Thus the bulk of the army, by this system of colonisation, degenerated into a kind of militia, being at the same time soldiers and citizens, and giving the best guarantee for the fidelity of the future generation.

By degrees these lands descended to the children of the original grantees, who also held them upon

like military service. The name for this kind of tenure amongst the Romans was called *Limitanei*. Afterwards, when the foreign legions of the Romans settled in the same manner, they were called *Læti*, which the Goths translated into *Folk*, or people; and hence arose the well-known term of *Folk-land*.

Each town possessed powers of local taxation and self-rule for local purposes, and the Saxons retained these systems, which we still possess. They also apportioned and collected, among the inhabitants of the towns, the amount of state taxes at which each community was assessed by the imperial government. Their councilmen were called *Decurions*. The sons inherited their fathers' dignity, and every "possessor" might also be a member, just the same as at present.

We do not gain very much information respecting the influence of Rome upon this country from the Roman writers who flourished subsequently to the Conquest. Tacitus, to whom we are chiefly indebted, makes the same unsatisfactory statement which has disappointed us so often: "Many writers have described Britain,"—and therefore he refrains from doing so. And considering how important a part Britain played in the history of Rome and of the world during four centuries, and that so many Roman emperors had here their chief seat of government, Britain becoming the very centre of civilisation, it is very remarkable that we can glean so little from them. This important fact, however, we do know, that Rome—as she did so frequently with the more civilised nations she conquered—respected the laws and the literature of the people she governed. That the Latin language was not established in Britain,

except in imperial matters, Dr Donaldson considers is strikingly and conclusively proved, and if it be so, we must go farther; and judging from the close intimacy between the Britons and the Romans—so many of the former retaining their political power and acting as the ministers of Rome—and looking at the frequent intermarriages between them—we can only conclude that the Romans who settled in this country adopted the language of the people they conquered, and became one with them. We know from Tacitus how anxious Agricola was to induce the people to settle down to their normal habits, to rebuild court-houses and temples and dwelling-houses, and to live with their conquerors as if there were no Romans in the land. Under his wise and politic government they did so. They became one nation with the Romans, and adopted their manners, and even their vices. But if British was their social language, unquestionably Latin was the vehicle of official business in England, as it was throughout the Roman Empire; and the British kings and nobility must doubtless have acquired the use of it. All statutes, rescripts, charters, and public documents of every kind, were written in Latin. We know that this was the case in Wales long after the departure of the Romans. England retained her own laws whilst she remained under the Roman dominion. Tacitus represents the subject Britons, even in the reign of Trajan, as brought only into obedience, not reduced into slavery. “*Domiti ut parēant nondum ut serviant*” (Agric. v. c. 13). Dio, in the later days of Severus, mentions Britain as the region of friends (p. 128).

Galgacus said that the Romans called themselves the *Amici* of the Britons.

Suetonius Paulinus described them as still possessed of their ancient freedom, and still governed by their ancient laws.

Dr Whitaker adds, "That the British continued to be governed by their own laws appears clearly from the certain continuance of the British polity among all the Britons being clearly decreed, even to the Welsh of their later ages, and being observed equally in the conquered districts of *Britannia Secunda* and in the unconquered regions of Scotland." And clear proof still exists in the fact, that in the English common law is still to be found imbedded the laws of Moel Mud, the common lawgiver of Britain and Wales.

The barbarians who reigned here on the departure of the Romans used the Latin language for all the same purposes, and there is strong reason for believing, that, throughout the Saxon and Danish occupation, Latin was the only written language. The Latin texts of the Saxon laws are unquestionably the original. Latin under the Normans, as at this day, was a test of education.

It is remarkable, when we consider how long the emperors actually resided in this island, how little is to be found in their public acts relating to it. There is but one rescript relating to Britain. This can only be accounted for on the supposition that Britain was governed (exceptionally amongst Roman provinces) completely by her own laws, and that Roman lawyers in Britain became as Britons. Indeed, if we regard the great number of British laws which still survive to us—not a tithe, doubtless, of the original number—we shall see how impossible it would be to fuse the systems, just as, in our own day, it is found im-

practicable, except nominally in an Act of Parliament, to fuse law and equity.

The influence of Roman institutions, of Roman thought, and Roman language, still remain. Rome did not die. She still lives; and we feel her influence in every act of our lives. Her wondrous powers, which had a divine origin, were reinvigorated by the sublime principles of Christianity, to which she was directly allied by her later emperors. What a contrast between the influence of Rome and the barbaric influence of the Saxons! Whilst dominant here, they did infinitely more to upheave and overthrow the very status of social life. They destroyed life and property, instead of conserving it. They brutalised the morals which Roman degeneracy had vitiated. They darkened the intellect, and destroyed the literature which Rome had spared and embellished. And when they departed—when the sword of the fiercer and nobler Dane wellnigh exterminated their race—they left nothing but a terrible shadow behind them—a hideous memory, which, though it cannot instruct, may still appal—the spectacle of a superior intellect degraded by a brutal vice—the vision of a fallen race.

It has been well observed, that the Empire of Rome gained its overwhelming and ever-spreading power because it gave to those it governed a participation in its fruits, by making each man a Roman citizen—it invited every one to govern himself—to govern whilst he was being governed. Rome fell because the breadth of the base on which it rested overshadowed it; but when she appeared to crumble into atoms, every atom became an empire; the barbarians became Romans. Instead of destroying the



Empire, they absorbed it. Instead of dissipating her dominion they confirmed it. If authority fell out of one weak hand, it was grasped by many stronger, and they continued the power and the laws they seemed for the moment to subvert and to extinguish. If they entered the sacred enclosure without passing through the strait gate, they did not in this violate the imperial spirit. They fulfilled her cardinal law, for they extended her empire. What was it to the Empire that her chief was not of patrician birth? The majority of her emperors were barbarian by birth and origin. Her power survived, and still survives, because it is independent of persons and superior to family ties—because it is cosmopolitan and catholic in principle.

The Saxon kings, for centuries after the Romans had left this island, continued to use their titles, and to style themselves *Basileus* and *Imperator* in their charters. This might be, as Mr Pearson states, from a dim sense of the legality which attached to it—from an uneasy feeling that all power was derived from the Roman Empire, one and indivisible. The feudal distinctions of rank—the lord, the vassal, and the serf, just as the Romans found them—were by them delegated to their successors, the Danes and Saxons, who never destroyed, but handed them down intact to our own day. Even writers who blot out from their note-books the glorious memories of the British, confirm the latter assertion.

The Romans bestowed upon us, says Palgrave, “that institution directly antagonistic to Teutonic ethics—nobility created by the sovereign grant. Every duke and dukedom, and count and county, testifies to the Roman influence, and confirms the

barbarian's exulting appropriation of Roman spoils. No king of the Cherusci, or of the old Saxons, no Marcomannic or Alemannic sovereign, was ever the fountain of honour."

The military colonies were schools of municipal organisation and Roman law. The meetings of the Decurions, the Roman embodiment of the British Cantrewe Courts, passed gradually into the Saxon Gemots; the Basilica became the Guild Hall, where questions of law and fact were decided.

Roman municipalities, and colleges of operatives and artificers, as they covered Europe with their guilds, corporations and communities, as they had been introduced by the Britons, were continued and improved by the Romans, increasing the national prosperity, and uniting in regular orders all classes of society.\*

Rome, says this eminent writer, "penned the oath of fealty," she disseminated the doctrine of allegiance, she transmitted the constitution of grades and classes. Villanage was her universal law. She imposed it upon those she conquered, though she gave to a portion of them a participation in its benefits. The barbarians, who adopted the system wherever they could do so with impunity, were compelled to modify it, and rob it of its chief terrors. In England even the servile population were not oppressed so cruelly as under the Romans; for the Saxons were in too small numbers to treat them as slaves, and the landed proprietors who remained upon their estates, as during the Empire of Rome, were only compelled to pay an annual rent. It was not from this tenure that the British chiefly suffered, but from the robbery and plundering of wandering Saxons. They were better

neighbours than marauders, and in time they all became colonists.

The Romans colonised as well as conquered, and planted women and children as well as arms. Hence in its long period of subjugation, Britain must have become half-Roman in its population; and as there was no great exodus of Romans on the departure of the army, except the princes and the proletarial officers, the Roman population must have remained behind to enjoy, if possible, the lands which had from time to time been assigned to them, and also to bear in their own persons, and in the persons of their children, the terrible punishments with which God chastened the land for its vices—of that terrible scourge of heathenism—the incursions of tribes who reduced the country once more into pagan darkness, and revelled in the blood of her children.\*

The year 410 is the date of the renunciation of the allegiance of the Britons, which had already dropped from the feeble grasp of the later emperors. For some ten or twelve years later, assistance was sent from Rome; and then the standard of that great Empire, which for nearly 500 years had been planted in the land, for ever disappeared.

Gibbon, vol. i. p. 463, tells us “that when Britain was lost to Rome, through the treachery of Carausius, its importance was sensibly felt and its loss severely lamented. The Roman celebrated, and perhaps magnified, the extent of that noble island, provided on every side with convenient harbours, the temperature of the climate and the fertility of the soil alike adapted for the production of corn as of vines, the valuable minerals with which it abounded, its rich pastures covered with innumerable flocks, and its

woods free from wild beasts or venomous serpents. Above all, they lamented the large amount of the revenues of Britain, whilst they confessed that such a province well deserved to become the seat of an independent community."

## CHAPTER XI.

### ON THE INFLUENCE OF ROMAN LAW AND CUSTOM UPON BRITISH INSTITUTIONS.

IT cannot be denied that our Common Law has been enriched at different periods by almost every age of Roman law; and in considering the effects upon it we must distinguish as clearly as we can the periods at which, and the sources from whence, we have from time to time derived it; and this raises the important question whether the Romans respected British law during their occupation of this country. This point is of such extreme importance, that we must diverge for a time to examine and weigh a remarkable piece of evidence which we are able to adduce in support of it. If its truth could be established, we need hardly trouble ourselves with an examination of the state of the Roman law at that period.

The single piece of contemporary evidence which we possess is a letter said to have been written by King Lucius to Pope Eleutherius. If it be a genuine letter its value is very great, but it is in itself worth preservation even if it be a forgery. The version given by Bishop Godwyn is as follows:—

“Anno 169 a passione Christi (*i.e.*, A.D. 202, or it may be Anno 156, or A.D. 189) Dominus Eleutherius

Papa Lucio Regi Britanniae scripsit ad petitionem Regis et procerum Regni Britanniae, Petistis a nobis leges Romanos et Caesaris vobis transmitti quibus in Regno Britanniae uti voluistis. Leges Romanos et Caesaris semper reprobare possumus; legem Dei nunquam. Suscipetis enim nuper miseratione divina in regno Britanniae legem et fidem Christi, habetis penes vos in regno utramque paginam, ea illis Dei gratia per consilium regni vestri sume legem, et per illam Dei patientia vestrum reges Britanniae Regnum, Vicarius vero Dei estis in regno juxta prophetam regem, 'Domini est terra et plenitudo ejus orbis terrarum et universi qui habitant in eo,' et rursum juxta prophetam regem, 'Dilexisti justitiam et odisti iniquitatem, propterea unxit te Deus tuus oleo lætitiæ præ consortiis tuis;' et rursum 'Juxta judicium tuum Deus, judicium tuum,' &c. Non enim judicium neque justitiam Caesaris, filii enim regis gentes Christianae et populi regni sunt, qui sub vestra protectione et pace et regno degant et consistent, juxta Evangelium, 'Quemadmodum gallina congregat pullos sub alis,' &c. Gentes vero regni Britanniae et populi vestri sunt et quos divisos debitis in unum ad concordiam et pacem et ad fidem et ad legem Christi et sanctam Ecclesiam congregari, revocari, fovere, manutenere, protegere, regere, et ab injuriis et malitiosis et inimicis semper defendere. Vae regno cujus Rex puer est et cujus principes mane comedunt. Non voco regem propter parvam et nimiam ætatem, sed propter stultitiam et iniquitatem et insanitatem, juxta prophetam regem, 'Viri sanguinem et dolosi non dimidicabunt dies suos,' &c. Per comestionem intelligimus gulam, per gulam luxuriam, per luxuriam omnia turpia et mala juxta Salomonem regem, 'In

malevolam animam non introibit sapientia nec habitavit in corpore subdito peccatis.' Rex dicitur a regendo non a regno. Rex eris dum bene regis, quod nisi feceris nomen regis non te constabit, et nomen regis perdidis: quod absit det vobis Omnipotens Deus regnum Britanniae sic regere ut possetis cum eo regnare in æternum cujus vicarius estis in regno predicto, qui cum patre et filio," &c.

If this letter be genuine it establishes two most important propositions: first, that a British king was reigning in Britain under the Roman domination, and included within his kingdom several nations—and if Wessex, or rather West Anglia, corresponded with the Roman division of Britannia Prima, and Lucius reigned over the separate nations which it included within its bounds, or the greater portion of it, he might well be styled King of the Britons, and yet be subject to the Empire; and, secondly, that the British king governed his subjects not according to Roman, but according to British law; so that it is clear, assuming that this latter proposition is true, that whoever Lucius might be, he was no Roman governor. He is said to have been the grandson of the great Caractacus. As the proof of these two propositions is of very great importance to the historian, it is well worth the endeavour to arrive at the truth respecting this letter, the authenticity of which has been fiercely contested. First as to the objections to it. Spelman contends that it is fictitious, under the mistaken notion that it first saw light after the Reformation, when the kingly power was an object of intense interest, and that it was manufactured by the partisans of the theory of the Divine rights of kings; but Spelman was unaware that a copy of it is to be found in MSS.

of the City of London, certainly of the reign of Edward II., when such controversies had little interest.

Bower in his "History of the Popes" (vol. i. p. 33), argues that it is fictitious, because Eusebius did not mention it. Fuller ("Church History," 30), says it is a forgery 400 years old by "some monk," and he objects that there could be no need of the Roman law, because this country was already governed by it; and he also objects that the quotations from Scripture are taken from St Jerome's translation, which was 100 years later in date, and that the word "manutenerē" was not then in use.

It is to be noted that the copy from which he prints differs from this copy, which is taken from Bishop Godwyn, inasmuch as the latter part of it is omitted; it may be remarked that this part corresponds to a certain statement attributed to Pope John by Charlemagne.

Collier ("Eccles. Hist." i. 14) says that it is a suspicious document, and when it was first found is altogether uncertain.

The best account of it is to be found in Bishop Godwyn's "Catalogue of Bishops," p. 31 (1615). He says that a copy of it was first found in an old chronicle, entitled "Brutus," which the writer has been unable to identify, unless it be the "Historia Britonum," amongst certain laws of the Saxons, probably the original from which the City MS. was copied, and from which Lambarde copied his account of it. The bishop mentions that as many as twelve copies of it were extant in his day, and "that there was a great variety in the diversity of the copies, some containing much more than others."



Archbishop Parker, writing 1572, in his "Antiquities" (ed. Drake, p. 7), treats it as an authentic document, and he styles it "*rara et augusta*."

Fox in his "Martyrology," writing temp. Elizabeth (ed. 1641, p. 139), produces it as a genuine letter.

It is obvious that Fuller's objection that there was no need for Lucius to write concerning the Roman law, is begging the question, and that if the contention of this book that the Roman laws were not promulgated in Britain is sound, this objection is at once disposed of; for if the British laws were not interfered with, it may be fairly assumed that Lucius wrote to the Pope for a version of the Roman laws consistent with Christianity, rather than seek to obtain a copy in the island; and the evidence of Bishop Godwyn as to the diversity of the language of the copies may fairly dispose of the quibbles about the language of the quotations. They remind one of the story of Pythagoras, or of some other Grecian sage, who was said to have discovered the principles of harmony by striking a metal plate with hammers of different weights; upon being tested it was found that no difference in sound resulted. So with regard to the language of the quotations; upon comparison it will be seen that they do not agree entirely with St Jerome's version, and indeed differ from it just as much as they differ from any other known version; but as it is clear that St Jerome copied from many ancient versions which were extant before his time, from parts of them almost word for word, and only altered parts of the language, it is simply impossible to decide the question in this manner. But even if the language could be proved to be his, a later

monkish transcriber may have modernised the spelling and grammar, for it is hardly to be supposed that the original letter was in existence 600 years since.

The result of a careful comparison of Bishop Godwyn's text with the ancient version and that of St Jerome shows that the points in difference are very few, and are of too trifling a nature to be of any real importance. The first quotation from Solomon accords precisely with both; the second from Matthew xxiv. differs from both, which again differ from each other, but only in one and the same word, "alis," instead of "alas," and "alas suas." The quotation from the first verse of the 23d Psalm agrees precisely with St Jerome's version, and they both differ from the ancient version, but only in the substitution of "eo" for "eam." The quotation from the eighth verse of the 44th Psalm again agrees with St Jerome's version in the form of the ablative case (oleo for oleum); and in the substitution of "præ" for "a." But Bishop Godwyn's text and the ancient version both agree together and differ from St Jerome's in omitting a repetition to be found in St Jerome's version of the word "Deus;" and lastly, the three versions of the twenty-fourth verse of the 54th Psalm all differ from each other, for "ex dimidiabuntur" in the ancient version, St Jerome uses "dimidiabunt," and Bishop Godwyn "dimidicabunt." If therefore we omit the double coincidence of a similarity in the form of the ablative case, which may well be accounted for by the precision of a later transcriber, or even with it, the balance of probability is strongly against the assumption that these quotations were

taken from St Jerome's version; for against the single accordance of "præ" for "a," there are no less than three distinct differences—"alis" instead of "sub alas;" the omission of the word "Deus," and the difference of the word "dimidicabunt;" whilst Bishop Godwyn's text differs from the ancient version only in the words "alas" and "dimidiabunt," agreeing with it in the omission of the word "Deus."

With regard to the use of the word "manutenere," surely it must be admitted that its use would be highly probable in the days of Gaius, when the condition "in manus" attracted the greatest consideration, and would be ever present to the mind of one writing concerning a great family of people. Besides that, the two words may have been run together by a later transcriber who knew the word, and who might not unnaturally suppose that the original writer intended so to use it. In many MSS. several words are often run together. But the chief confirmation is to be found in the probabilities and in the positive fact that one Lucius, King of Britain, was converted to Christianity by emissaries from Pope Eleutherius. If this be a fact, the probability of the authenticity of this letter is greatly heightened, for we know that it was an apostolic custom to address letters to converts as well as to churches, and such a letter would surely be preserved. Bede gives valuable evidence upon this point, and he doubtless copied the history of Lucius from an ancient Papal Register, two centuries older than his time, the last Pope whose acts it recorded being Felix IV. A.D. 526. The Brut also mentions that Lucius was a Christian, and Nennius confirms it. The fact that Britain was Christianised

at the time of Lucius is amply proved by Tertullian and Origen. Tertullian ("Ad. Jud." vii.) writing A.D. 208, mentions that the Britons, "*inaccessa Romanis loca Christo vero subdita,*" and Origen (A.D. 239) includes Britain amongst the nations who "*cum lætitia clamat ad Dominum Israel.*" At the Council of Arles, A.D. 314, the Bishops of York, London, and Caerleon were undoubtedly present, and the Pelagian heresy proves that the religion was at that time sufficiently established to have been the cause of contention and intellectual strife, as the subsequent dispute between St Augustine and the British Bishops respecting Easter shows that the religion of Christ had long been established in the island.

Mr Bower's objection that Eusebius did not mention it, is hardly worth consideration, if we remember that there was no occasion to produce this letter; and if we consider the state in which Britain was left a couple of centuries after the time of King Lucius, and that the religion itself had almost been stamped out, we cannot be surprised that all memory of this letter had been lost, and that it had only its own intrinsic merits to prove its authenticity. So little is known concerning Pope Eleutherius that it would be very remarkable if this one letter of his should be mentioned when no other is known or referred to, and it is far more probable that it should be lost sight of for a time and only be found buried in the monasteries in many different versions, many centuries afterwards. If Archbishop Parker's commendation is well bestowed, the internal evidence of the letter itself caps the probabilities, and recommends it to our best attention; for we cannot fail to discover, upon a careful perusal of the letter, how

*precisely it accords with the special circumstances we should expect to find existing at the time.* The writer had clearly in his mind the difficulties under which we know from Tacitus the British laboured, and which the Romans so skilfully turned to their own advantage. Seeing then that, upon a closer examination, the objections raised against this epistle disappear, and that the facts which we do know accord it the strongest support, we can hardly resist the conclusion that this letter is a genuine document; and if this be so, it is indeed a relic of the highest value, not only as corroborative of the theories endeavoured to be raised and proved by this book, but as a mark of the greatest interest, a testimony of the highest value to the intellectual and social advancement of our ancestors, and a proof—if proof were wanted—of their independent position in the Roman Empire.

If, therefore, we are entitled to consider the authenticity of this document as established, we are relieved from the necessity of entering very closely into the state of the Roman law of that period in the only form in which it could have penetrated into this country. The Welsh laws, however, undoubtedly prove that many Roman legal principles did become incorporated with our own. We must not seek for their parentage in the more polished laws finally consolidated by Justinian, but in the age of Gaius. Gaius wrote during the latter part of the second century, and we must look to him chiefly for that portion of British law which is of Roman origin. Gibbon has written truly that the Roman law, such as it subsisted in the Western Empire at the time of its dismemberment, never lost its authority, but was

received in the new Gothic, Lombardic, and Carolingian kingdoms, as the rule of those who by birth and choice submitted to it, and it is clear that every country which once adopted it as the basis of its laws never lost it, though according to the intelligence and exigencies of the country it was altered or amended.

We need hardly consider by which Roman law the Saxons and Danes were governed; the poor modicum which they possessed was filtered through an ecclesiastical medium. We must, however, examine the laws of the Franks, for unquestionably we derive much Roman law filtered through that source. Norman lawyers and judges would adopt the phase of the law which they had lived under, and therefore to a greater extent our law would be influenced by the later Roman law, so that we may be prepared to find almost every phase of Roman law embodied in our own. The Theodosian Code was promulgated in the West in the fifth century, and though it would hardly reach Britain, or if it did, it would soon be lost amongst the turmoil of the wars which scourged this country, it prevailed over France until it was superseded by the laws of Justinian, which would be the rule of our Norman invaders. It is necessary, also, to bear in mind that just as we have three distinct ages of Roman law—namely, that which we acquired from the Romans themselves during their occupation, that which the Romish priests introduced under the Saxons, and that which the Norman lawyers brought with them, there are three distinct ages of ecclesiastical law, or rather of lawyers—namely, those who lived in Britain before the terrible desolation and darkness which the Saxons and Scandinavians

brought upon us, those who followed in the wake of St Augustine, and the Norman bishops who came over with the Conqueror. It is to the middle class that we must chiefly look for any peculiarity which cannot otherwise be accounted for, especially as, probably, they were the only persons who understood law in this country from the date of St Augustine to the Norman conquest. This period is, however, of the least importance in the whole history of our law, for, as we shall presently see, except the crudest forms of grants, wills, and a few other matters, law, like learning and religion, was during the whole period simply stagnant—in abeyance as it were—waiting patiently for the day when barbarism would be thrust back, and science and learning would once more flourish in the land. It is therefore not to the Roman conquest, but to the later priests of Rome and the Norman judges, that we owe the greater part of the Roman law which we now possess. Rome prepared Britain for the reception of her laws, but she did not impose them upon her. The crass ignorance of the savages who succeeded her left to Roman ecclesiastics to alter the law at their will.

It is not very difficult to discover how this has arisen, for it is a curious circumstance that Roman ecclesiastics, who had no sort of connection with Roman jurists at the time when the Romans occupied and governed Britain, and who, as we have seen, were taught by the Pope to regard Roman law with suspicion, yet, when they eventually succeeded to the government of Rome itself, actually adopted its laws, and in connection with their creed carried them out and imposed them in every country of the world, and this, whether they had been under Roman

government or not. It is not to be supposed for a moment that a weak people who were deserted not because of their own uprising, but because of the dismemberment of the empire of their masters, should at once on their departure throw off with the yoke the laws which their conquerors had added to the national law of the country; it is rather to be supposed that in all matters of public law and the laws affecting private rights which did not press heavily upon the higher classes of society, they would retain all that was good, just as our late colony of America has retained to this day the British laws that were taken over with it, or which we imposed upon it. The rights of master and slave, of lord and vassal, are only offensive to the governed; and when the governed become themselves the masters, a utility and a value that had never before been discovered is immediately apparent. The fact that the bulk of our laws are British and not Roman, after four centuries of Roman occupation, proves conclusively that British law was respected; for if it had been displaced after so long a time, it would have been almost entirely forgotten. And this fact is more apparent when we regard the state of Britain after the departure of the Roman legions, for it is not to be supposed that because the Roman army and its chief citizens had departed, that all the Roman inhabitants had done so. In the course of four centuries many of them must have become so inextricably mixed with the native British, that they would neither care nor perhaps have it in their power to depart. Many must have intermarried with and become a part of the British nation. Would husband be torn from wife and wife from husband, or who would take the



children of such unions? We know that marriages must have been very common, for if even Roman princes thought it no disgrace to marry with Britons, how much more would the middle and lower classes be ready to do so? No doubt much of the property of the British was confiscated by the Romans; but looking at the powerful armies they could and did bring into the field, it is obvious that the native population must have been very large, and that the Romans governed just as did the Saxons after them, as well by sufferance and stratagem as by violence. One of the nation too small in rank to gain much property by violence would gladly intermarry to gain a rich inheritance, and having done so, would soon with the property adopt the family; and his issue would become to all intents and purposes, at any rate in three or four generations, native Britons; and we know that the Romans remained on the island for ten or twelve generations. In the course of that time, how almost universal must have been the intermixture of races either by marriage or promiscuously? and we know well that long before the expiration of that time the rigour of the first conquest had gradually disappeared, and the people had become as one. This great intermixture of Roman with British blood must have done much to elevate the people and form that character which has been ignorantly attributed to our connection with the Germans. The characteristics of the British are essentially Roman and anti-Germanic; the true Englishman has the extraordinary combination of the steadiness and majesty of demeanour, with the hot blood and excitability of the Roman, so different from the phlegmatic and docile German.

It is curious to see how exactly in proportion to the intelligence of the countries which she conquered, Rome imposed her language and laws upon them. In Britain, meeting with a superior intelligence and a language of kindred origin, both laws and language were protected; whilst in France, Italy, Spain and other countries—in fact, those countries which were the least Gothic—the language and laws of Rome have only been partially adopted. This partial adoption arises doubtless from the fact, that these nations were superior to their neighbours in intelligence, and only took such parts of the Roman laws and language as best suited their constitutions; whilst the utter barbarians—the Germans, Goths, Bohemians, and Scandinavians—were unable to distinguish that which was most suitable; and whilst they failed to acquire the language, or any semblance of it, blindly adopted the whole of the laws. It is difficult to account for Scotland adhering to Roman law, unless we conclude that her population is mainly Scandinavian, and therefore more illiterate, and that the Gaelic and more intellectual inhabitants were too much scattered amongst the mountains to have much voice in the matter. That in this country the Romans introduced some fresh laws and customs we know, especially in the feudal system which the Normans brought to perfection, and which survived with most of its inconveniences until the death of Charles I.; but with our knowledge of the great extension of this system during the Norman period of our history we cannot suppose that the Romans ever forced it universally upon the Britons, or indeed amongst their own people, except amongst the soldiers, who obtained settlements in the country;

and we have every reason to believe that, at the time of the Norman conquest, the British tenure of Borough English, as it is called, prevailed very extensively over the whole kingdom. It is very doubtful whether Drengage is not in fact the same thing as Borough English; in other words, the terms Drengage and Drench are only used to designate the owner, and not the tenure—the owner, as a person who contested the right of some Norman lord who had, after the conquest, been foisted upon him. The term is British, and means a querent. If this theory be correct, it shows how completely William the First governed by the British laws. The Norman kings never abolished this tenure, but every manor they seized and regranted to their followers was to be held by them upon the old Roman system of gavelkind. This tenure has been called Saxon, and no doubt it prevailed in England whilst the Saxons were here; but it is absurd to call it Saxon, for if Saxon law had any similarity to the laws of Germany, we know that they had no tenure at all—that no one had property in land, and, just as at this day in Prussia, the land was held in common and redistributed annually; a remnant perhaps of the restless wandering habits of savages, who were afraid lest their ranks should be lessened if any of them should settle upon the soil, and perhaps attributable also to the idleness of a savage life, which could not brook continuous labour. The very idea of tenure, like the word itself, is suggestive of a Grecian origin.

We have proof in history of the insurrection under Boadicea, that Roman mercantile laws were imposed upon the British, and there can be no question that that terrible massacre was brought about by the unfair and rigorous application of the law of Roman

contracts. The British were a peaceable and honourable people; the Romans found that they could live with them, but not upon them; that they cheerfully submitted to levies, tributes, and other services of government of which they themselves partook of the benefits, and in the administration of which they also participated; but they were not servile, and brooked ill-treatment with impatience. Tacitus fairly admits that their subjection to Roman power extended to obedience merely, and not to servitude; and this was clearly their character throughout all the trials of their subjugation under the Saxons. This indeed is a British characteristic which is strongly marked at the present day. There is great truth in the old song, "Britons never will be slaves;" we know their intense hatred of slavery, and that they have never submitted to it. Sooner than do so, and even sooner than remain resident on ignominious terms with their conquerors, the flower of the nation have passed into exile. There is little doubt but that Armorica was repopled, and changed its name to Brittany, by reason of the intolerable pressure of the Danes and Saxons driving the chivalry of this country into its retreat, and many of the descendants of these emigrants returned in the hostile ranks of William the Conqueror. The Romans acknowledged this independent spirit, and showed their appreciation of the nobility of the people by admitting them to an equal share of power, and living with them in every way upon terms of equality. Britain was strong whilst under a single leadership, though composed of many people—Marcus Heraclitus tells us of thirty-three different nations—and so long as they were united under the leader-

ship of the Arch-Druid, they were invincible. He, in the great annual council of the nations, and doubtless in those councils which the exigencies of the times rendered necessary, as representing the united intelligence of the sacred orders and the leaders of the people, ruled the nations as with one mind. It was to destroy this powerful agency, which maintained a unity of purpose, that the Romans stamped out Druidism. It was the hierarchy, not the faith, that they objected to. They could not object to the gods of the Druids, for they were their own, but they saw in this hierarchy a bond of union for all purposes which was a danger to themselves, nor could they hope to change its decrees, and they performed the same feat which Henry VIII., with his myrmidons, achieved in later days, they destroyed the professors, whilst they respected their professions. Just as there would have been no "Reformation" if the Pope would have sanctified the wrong that Henry VIII. had determined to commit,—if the Druids would but have respected the mighty power of the Roman Empire, and would have acknowledged it even as a necessity, they might have remained an aristocracy of intellect, even down to our own days. Imperialism was never a British principle, but rather a powerful aristocracy. Localisation as opposed to centralisation is an indigenous principle of our nationality, and we are even now, in our county-court system and the proposed courts of first instance, returning to it. We are several nations united under a common law, and hence it is that our Parliament is so suited to the national desires.

But the Druids, to their honour, remained firm, and would not submit to the crushing power of the Romans. This island had never been conquered,

and had successfully defied the mighty Cæsar. They hoped still to remain masters of it, and still to carry on in peace those studies which they regarded as the only fitting occupation of mankind. But the Roman will was not to be thwarted by sentimentality. The stern decree for the extirpation of the Druids went forth, and the Druids, who had a firm belief in the sanctity of their religion, died at their posts, and with them much of that true philosophy and learning which their conquerors never attained to. The Romans were not afraid to leave more than a semblance of regal power reposed in the hands of every separate nation amongst the Britons, for they soon found that the Druidical hierarchy being destroyed, the separate and petty jealousies of each prevented a general understanding on public affairs, and that consequently that concert and unity which alone could achieve success, and offer a real resistance to their arms, was absolutely wanting. In this division of councils the Romans exulted, knowing that it was the only hope of their being able to continue to hold in subjection so powerful a people. Tacitus frankly acknowledges this; he tells us that it was seldom that even two or three of this nation could agree to act in concert in opposition to Roman designs, and their very inability to agree enabled the Scandinavians and Saxons subsequently to settle amongst them. However, the tyranny to which they were subjected, and the shameful treatment of Boadicea, brought about a concert which taught the Romans a terrible lesson. We cannot perhaps accept the account Tacitus has given us of the enormous loss sustained by the Romans without grave doubts, for if the Romans at that time had only the

colony of veterans at Camulodunum and their several garrisons, it is almost incredible that they could have lost 70,000 persons, and yet that the survivors were powerful enough to hold the island in subjection. If they could lose so large a number so soon after their arrival, they must have settled here in enormous numbers; unless, indeed, as has been asserted, that this number included the native allies of the Romans, in which case it is quite credible; for Britain was very thickly populated at that time, and we know that many British tribes treacherously assisted the Romans—notably the British-Belgæ did so. No doubt the direct cause of that war was that under British law, by virtue of the will of Prasatagus, king of the Iceni, the Emperor had become possessed of the hereditary possession of his kingdom—a strong proof of the respect paid to law, if not a direct proof of the recognition by the Romans of the British laws. The powers and privileges of the emperor were abused, and the family of the king, who were also provided for by the testament, were deprived of their interest and were scourged and maltreated; but the Britons had not acted so completely in concert had they not at that time graver causes of complaint, which were in common. The Romans had compelled them to sell their grain under grievous restrictions, doubtless imposing upon them Roman customs which were new to them; numbers of Britons had been ousted from their homes under cover of the laws in favour of usury, which were then first introduced into Britain. Prior to this date, usury amongst the Britons, as under their Grecian affines, was unknown; but Roman usurers, and especially Seneca, ruined them by their procedure. The whole history of this insurrection proves the respect

paid by the Roman emperors to British law, though it exhibits the abuse of authority of the subordinates of that Government. The Britons made a long and brave resistance to Roman authority, far longer than even the Gauls. For nearly forty-two years they struggled to regain their liberty, and they only lost it through the wisdom of Agricola, who by slow degrees gained the confidence and allegiance of successive nations by putting down the tyranny of the Roman officials, and giving to the Britons equal rights with Roman citizens; and above all, by teaching them that they might depend upon the administration of their own laws and customs without abuse or injury, and giving, as a guarantee for this liberty, power to their own kings to rule over them. In truth, the Romans only shared with those kings in the authority which they possessed in this island.

We have to mourn the loss of that literature which during four hundred years of Roman and imperial civilisation must have been as prolific as it was various. The only code of British law, indeed the only direct proof of it which we possess, is in the precious laws of Howel Dda. It is improbable that this was the first code made in the island, for we find references in it to what certainly appear very much like other and very much earlier codes; and there is every reason to believe that the several codes under his name were simply copies of the same original, but that time, and successive innovations which had been introduced into the different provinces of Wales, had caused errors and imperfections to creep in amongst them. As this code was made less than five hundred years after the departure of the Romans, and as unquestionably many of the Roman kings and princes



had gradually retired for safety into the fastnesses of Wales, compelled by force to leave their people under the rule of the Scandinavian and Saxon invaders, we may conclude that at any rate these codes were as old as this retreat, if indeed they were not of much older date. No doubt the Britons, as they were encouraged by the Romans to build court-houses, would be taught by them to codify their laws; for when the Druids no longer dispensed the law amongst them, they must have found a substitute, and those substitutes could hardly obtain so great a hold upon them, and be looked up to with so much respect as their ancient lawgivers, and hence would arise the necessity for codification—one of the chief uses of which is to ensure accuracy and uniformity in the decisions of unskilled judges.

The Druids no doubt remained much longer in Wales than elsewhere; but Druidism as a great system was stamped out by the Romans, although Tacitus remarks upon its effects still remaining in his day, which gave to the Britons a strong likeness to the Gauls, and a dissimilarity which they still retain to the Goths. As Druidism declined, the power of the sword increased, and the noble warriors who supplied the places of the philosophers would require the help of a code in cases of difficulty and confusion.

Before the Roman conquest there is little doubt but that the Arch-Druid possessed authority over the whole country, and that great councils of the delegates or chiefs from each of the gentes were annually held, probably at one time at Stonehenge, but later in Anglesea. But in subordination to them, and for the purpose of settling local and private disputes—the

great councils doubtless only holding cognisance of national matters—lesser councils were annually, if not more frequently, held in each kingdom or gens. The Romans, as they gradually gained possession by the force of wills or by conquest of these several kingdoms, still retained their local distinctions and boundaries, and to these different nations of the Britons, and to the clemency of the Romans in respecting these boundaries, do we owe the division of our counties—the very name of which is Roman—at this day, and not, as has been supposed, to the wisdom of Alfred.

The audacity of some of these nations was so great, that as in the case of the Sugambrians, they were exterminated, partly slain, and the rest transported into Gaul; and in some of the countries the Romans congregated so thickly that they elbowed out the original inhabitants. But even then the British boundaries appear to have been preserved, because the boundaries of the obnoxious county could not fairly be pushed into those of their more quiet neighbours. Tacitus bears witness to the marvellous love of liberty of the Britons in relating the arrival of Polycletus, who arrived in Britain in such state that he struck terror even into the Roman soldiery. He tells us that to the Britons he became an object of derision, for the flame of popular liberty even then burned with unabated energy, for the Britons were as yet strangers to the authority of freedmen. The Celtic Briton was witty, sarcastic, and intensely opposed to flunkeydom, just like his modern successors; all characteristics the very reverse of the Teutons, who are impenetrable by wit, and intensely wonder-loving

and subservient in their conduct. Britons and Germans have the very opposite characteristics. Tacitus records the mode by which the Britons of his day, like ourselves, showed their applause by songs and yells and dissonant shouts, so opposed to the practice of the ancient, if not of the modern German.

## CHAPTER XII.

### THE LAST DAYS OF ROMAN CIVILISATION.

THE Britons did not fall all at once from the meretricious light of Roman civilisation into the utter darkness of Saxon barbarism. Before the age of fable really commenced, there was a brilliant epoch of British glory, to us all the more brilliant, perhaps, from the impenetrable darkness which succeeded it, when Britons once more governed in their own land without Roman tyrants or Roman vices to degrade and debase them, and when they were able to present to the world the glorious spectacle of Christian chivalry; a period which has been recently and vividly brought to our knowledge with a characteristic splendour by the greatest of our modern poets—Alfred Tennyson. Britons owe to him a deep debt of gratitude for the “*Idylls of the King*.” It is a terribly dark page of British history, that in which Britain lost the protection of the Romans, but they brought this misfortune upon themselves. The treachery of Caurasius, by which the province was lost to Rome, could not have been successful without their aid and co-operation. This period is intensely interesting to the historian; for a relapse from the highest state of civilisation, of Grecian learning and Roman art, illuminated by the light of Chris-

tianity, into the utter darkness of Saxon paganism and barbarity, is necessarily accompanied by terrible events such as for comparison we shall only find in the pages of Biblical history. We read in the wailings of Gildas, which deserve a better fate and more attention than the literati of our day care to bestow upon them, enough to satisfy us of the necessity of the purgation without which the purification and rescue of Britons from Roman vices and excesses was impossible, and we can conceive what must have been the effect upon the artificial sensuousness of a highly polished though degenerate people, of the utter loathsomeness and brutality of Saxon lust. If the Romans and the Britons were sensuous and wicked, they were eminently refined; whilst the barbarians who now became their masters were simply brutal in their lusts, a stupid, ignorant, yet proud and tyrannical people. The polished Britons and Romans had the choice of submitting to the utter degradation of living upon terms of equality with them or of flying the country. Thousands fled into the mountains, thousands to Armorica, and yet so dense was the population, even in Cæsar's time, and it must have increased immensely during the long and comparatively pacific reign of Roman authority, that probably some millions remained chained to their homesteads, living a life of constant dread and of perpetual warfare. It is absurd to suppose that the Britons were exterminated simply because for a time they seemed to lose all religion and refinement, and ultimately became united with their conquerors. No doubt the flower of British and Roman chivalry, the nobility and those who had been accustomed to govern, would be unable

to bend their necks to the degrading yoke. So deeply had they drunk of intoxicating vices, whilst themselves subject to the Roman power, that they had almost forgotten their manhood, and could not now unite to expel the intruders. After many useless battles they weakly submitted, and left their unhappy brethren to the utter darkness of barbarism. Nor would the lower orders experience any great difficulty in making the descent—*facilis descensus Averni*. To live in the idle wanton luxury of the Romans, the people who tilled the soil and produced the means of extravagance must have been ground down to poverty and hardships; so invariably do lust and waste in the higher classes produce improvidence, poverty, and want in the lower. And perhaps the change of masters would not be so unpalatable or difficult after all: more especially if, as would probably be the case, they were bribed into submission and cohesion by being admitted to an equality of rights, and to a participation in the brutal vices of their new masters. If we study Gildas, we shall readily see how easy would be the descent; and we read in the “Myvyrian Archaeology” the terrible story of their debasement. In a few terse and pithy words we are told their fate—a terribly degrading one, “The Llogrians became as Saxons.”

And in this state they remained for several centuries, until their descendants, joining the forces of their country with the more polished Danes, once more restored the light of civilisation to the land; for although Christianity was restored a century and a half after the departure of the flower of the nation, it could make but small progress whilst the country was divided by internal and internecine warfare, and

was devastated, now by one set of savages and now by another, and except for very short and rare intervals, until the iron hand of Canute held the whole people in subjection, wars were so frequent, so aimless, and so incomprehensible, that, to use the words imputed, it is said unfairly, to our great Milton, they were no more worthy of record than the fights of crows and kites.

With Gildas the early history of our country ends, and we enter into that age of fable which lasted nearly five hundred years, only broken by the intelligence of one writer, the venerable Bede, whose works cannot be too highly prized, for they present the only spot of certitude in that terrible period; truly an oasis in a desert.

So great an obscurity exists over the last days of British independence and British struggle, that, as we should expect, the real personages of history, the heroes who for a time kept back the wave of barbarism, are almost lost in obscurity. The writers of our fabulous histories, who accept any proof in favour of Saxon events, actually reject as fabulous the story of British heroism, although it depends upon precisely the same evidence—tradition—handed down to us by the monks, as do their precious Saxon histories.

If the history of Arthur and his knights is to be rejected, we must wipe out as with a sponge every event of Saxon history, for it is derived from identically the same sources; indeed, the probabilities in favour of the truth of Arthur's history are greatest, for the further back we go into mythical history, until we actually touch dry land, the greater is the probability of its truth, and the evidence of Gildas is real,

and cannot be controverted. It is objected that he has not mentioned Arthur, and that therefore he must be a myth; but his "*Rémonstrance*" relates to the period immediately preceding—if indeed Arthur is not another name for Uther Pendragon—and what followed immediately afterwards we do not know. Is it to be wondered at that a nation who "became as Saxons" lost all reckoning, and failed to produce an historian? The only evidence against the Arthurian history is that of the *Saxon Chronicle*, a work which is utterly unreliable and worthless in a question of dates, if, indeed, it has any other value. This fact is abundantly clear, that tradition in the eleventh century confounded Arthur with Alfred, and attributed to the latter many of the virtues and graces of the former.

Partly from mythic history and partly from real, we can glean a few facts which will enlighten us as to the condition of Britain when she entered upon her ages of desolation, and from which we may learn how it was that her laws survived and overshadowed the Saxons.

Britain did not at once fall under the dominion of the barbarians. Fierce wars were waged for several centuries, and, indeed, except a nominal allegiance to the Carloyingian Empire, until the time of Canute, it cannot be said that British submission was complete; in the Danes, doubtless—worn out with perpetual conflict—the Britons recognised a people more akin to themselves, more refined and intellectual, more Roman in their manners, as they were undoubtedly Roman in their language. The queen of Canute, who had been also the queen of the last Saxon king—poor Ethelred the Unready—must



have been a woman of strong influence, if, indeed, we owe it to her that the Latin tongue, though Normanised, became the language of the Court of Britain, as it was also the language of the Danish Court,\* and as from the time of the Romans, though not owing to them, but to the Romish priesthood, it had remained the language of the courts of law.

We learn from Roman history how the Emperor Maximus, a British prince, and nephew of the British princess the wife of the Emperor Constantine, married a daughter of the British king Octavius, the monarch of Britannia Prima (the ancient throne, and probably he was the descendant of King Lucius), supplanted Conan the grandson of Octavius in his succession to that kingdom, and to compensate him for his loss appointed him Cæsar of Armorica. There he planted the royal house of Brittany, granting to Conan and his successors the lands of Brittany to hold of himself by the tenure of knight service.

After the disasters which subsequently befell the Emperor Maximus, his troops, instead of returning into Britain, settled down in large numbers in Armorica, and they were subsequently reinforced by large numbers of fugitives, who settled there in consequence of the earlier struggles with the Saxons. Armorica, or Lesser Britain, as it was now called, became a powerful state, and when upon the division of the empire about 410, the Britons threw off the Roman yoke, which the emperor answered by releasing them from their allegiance, Brittany also assumed an independent government.

Soon after the departure of the Roman legions, divisions in council having weakened the government of Britain, and its numerous kings and princes fail-

ing to maintain order in their several provinces, the Picts and Scots, Franks, Saxons, Jutes, Frisians, and Scandinavians, gradually increasing their settlements and growing bolder in combination, threatened to overthrow the British Government. It is impossible to say when these irruptions commenced, but it is clear that there were first independent and gradual encroachments, that afterwards a kind of union amongst them sprang up, and that never from first to last was there any general conquest or any regular extermination of the Romanised British. In these difficulties the British kings sought the assistance of their ancient and rightful sovereign Cæsar, the King of Armorica, but he preferred remaining within his new dominions, and sent over to their assistance his brother Constantine. Constantine had married a noble Roman lady, and he was the last to assume the imperial purple within these islands. Unfortunately, the new emperor was slain in battle whilst leading his troops in Gaul against the rival emperor, over whom in several important battles he had been successful. Upon his death his son Constans ascended the throne with the more modest title of King of the Britons. Vortigern, the British Consul of Cornwall—under the name of Gerontius—a miscreant, who was guilty of the worst crimes, procured the death of Constans, and himself assumed the sovereignty. He did not reign long, for harassed by the inroads of the Scots and Picts, and unable, doubtless, to combine under his command the bulk of the nation, he allied himself to the Franks, Scandinavian, Saxon, and other sea-robbers who, for many centuries, had been gaining a footing in the country. It is related that the Saxons partly gained

the alliance with Vortigern by the most shameful sale to him of one of their women, named Rowena, upon whom this lustful tyrant had settled his desires. He was before very long driven by public execration from the throne, and publicly excommunicated by St Germanus on account of his shameful vices. He was supplanted in his government by his sons, who soon discovered the treachery and greediness of their barbarous allies, and when it was too late they fought against them; but partly by cunning alliances, partly by fraud, and partly by the terror inspired by their ferocity, the Saxons had succeeded, in union with the Franks and Scandinavians, and those British nations who were too weak or cowardly to withstand them, and with the external assistance of the Picts and Scots, who poured down upon Britain northward from Scotland and westward from the coast of Ireland, in overthrowing the British government, and at any rate in assuming the government of several portions of the kingdom, they encroached on the Belgic territories of Cantia, and surrounded London on three sides, though it is certain that they never obtained possession of it. These territories were called respectively East, South, and Middle Saxony, names which they still retained at the Conquest, and which have never been changed. The Franks were interposed between the Saxons and the Scandinavians. The Scandinavians occupied the counties of Norfolk and Suffolk, from which they have never been ejected, as well as the greater part of the southern portion of Scotland, and, in connection with the Britons, the more northern counties of England; and the Ilogrians, who occupied the greater part of the centre of England south of the Humber, with all the

western counties, under the name of Angles, continued to dwell in their territories, and according to the custom of the Norsemen and Goths, assumed (or perhaps were only called by their enemies Saxons) the name of their allies, or perhaps only of the tribes who took the most prominent part in the battles. This name was applied to them not because any of them were of any Saxon nation, but because of their confederation with them, and because they were regarded with terror as assassins. The old British Chronicles record with scorn and derision that the Llogrians became as Saxons. In the last decade of the fifth century these marauders had completely overrun the Island, not forming any permanent settlements,—it is very doubtful indeed whether they ever peopled more territory than that called by their name,—but scattering death and ruin in their march, and creating unspeakable misery and confusion.

The Britons in their distress looked once more to Armorica for assistance, and two princes, Aurelius Ambrosius and his brother the brave Uther Pendragon, came to their assistance; but before they undertook to fight against the Saxons, the brothers determined to rid the country of the presence of the survivors of the family of the usurper Vortigern. Two of his sons had already fallen in battle.

This being accomplished, they attacked the Saxons, and in a series of battles with varying success, they gradually routed the enemy and drove them beyond the confines of their own kingdom, confining them to the south-eastern extremity of the Island, which they did not attempt to transgress until many years afterwards.

The Britons honourably left the Saxons in the enjoyment of the rights they had granted them by treaty ; but the remaining portion of the land was free from their pollution, and enjoyed, under the sway of Ambrosius and his brother Uther, the noblest form of government, Romano-British Law tempered and swayed by the poetry and chivalry of the East, administered under the beneficent influence of the Christian religion—truly the golden age of chivalry. This happiness was too great to last. The British kings had made the fatal mistake of leaving the plague-spot uneradicated in their midst : though powerful enough to destroy them, they were too faithful to do otherwise than what they deemed right. Ten years after the decease of Uther, or of his son Arthur,—if indeed the father and son of history are not one and the same hero ; divided in story, because before the latter portion Ambrosius was dead and Arthur ruled alone,—the barbarians, in defiance of the right which Arthur or Ambrosius had respected, burst their bounds and once more overran this happy country ; and from the year 552, for nearly 450 years, until the final extinction of Saxon rule by Sweyne the Dane, the land groaned under their tyranny ; and it was only under the great-grandchildren of the Conqueror that it enjoyed the reflex of the glory of this brilliant period.

It is not quite clear whether Arthur was the last British sovereign who reigned over Britain. It is known that, a Romanised Briton himself by birth, he had married a Roman lady, and the name of his kinsman Constantine would seem to indicate that he was of Roman origin. However that may be, up to the middle of the sixth century it is clear that

this land was blessed with Romano-British government. It matters little what was the origin of his successor, for, for the next two centuries, indeed until the reign of Alfred, the Island was perpetually in a state of warfare,—in a perpetual state of siege, as it were,—governed by martial law of the most barbarous description, and utterly without the light of the Christian religion; and from his reign till Saxon rule ceased, with but very short epochs, the same incessant warfare was continued. As the Romans had stamped out Druidism, so did the Saxons inaugurate their rule by the destruction of Christianity; and in half a century after Arthur's death, in all the Saxon portion of the kingdom, utter darkness and heathendom prevailed; so quickly had the age of "iron and blood," as the modern Germans call this policy, succeeded the glorious period of Christian chivalry.

But it was many years before the Saxons gained a hold upon any portion of the west of England. Although they obtained possession of part of Hampshire and the Isle of Wight, it is doubtful whether they ever reached the frontier of Wilts and Dorset. History is silent as to the means by which the dynasty of Alfred gained possession of West Anglia; but there is little doubt that it was obtained legally and not by conquest. The ordinance between the "Witan" of the English race and the Counsellors of the Wealh nation, among the Dunsætas, countenances the idea. The very names of the "West Saxon" Kings—Cerdic, Ceadwalla, Merl, and Cenwalch, are so completely British, that one is almost justified in pronouncing the race to be of British origin. But inasmuch as the British permitted

queens to reign over them, it may well be that a Saxon obtained the kingdom by a marriage with one of them. We cannot determine this from their pedigrees; for so ignorant were the forgers of these Saxon pedigrees, that they have given the honour of manhood to one West-Anglian princess, Gewiss; and possibly the same mistake may have been made in other cases. But however this may be, inasmuch as the laws of the West Saxons and the people indicate a British and not a Saxon origin,—and the royal dynasty, whether Saxon or not, had but a very feeble hold upon them,—it may fairly be concluded, that the west of England, Cornwall, Devon, Somerset, Dorset, Wilts, and Gloucester, were never Saxon, but that all of them remain to this day purely and essentially British.

Gildas was the last Roman writer from whom we can gain any details respecting this awful period of our history; and his works are of the greatest interest and value, although doubtless sometimes inaccurate. We obtain from them a vivid picture of the anxious state of society, and of the deplorable vices into which the nation was plunged; we glean from his books the strongest confirmatory evidence that the Romans had spared the British Reguli, and had left undisturbed the ancient boundaries of the several kingdoms. Gildas wrote before the Saxons had burst the bounds assigned to them, and during that interesting period when the British kings were endeavouring to regain the power of which Rome had indeed left them the shadow, all throughout her dominion, but of which she had robbed them of its brightest attribute, external respect. Manfully did some of them struggle to govern their people and

check their enemies ; but the supineness of some, and the treachery of others, prevented so happy a consummation ; and Rome, in withdrawing the protection she could no longer bestow, left them weakened by the vices of Imperialism, and utterly unable to cope with the difficulties which surrounded them, a prey to the conflicting passions of their enemies.

It is an important fact, and one which Britons would do well to remember, that Rome, with all her legions, was never able entirely to conquer this country. Severus lost 30,000 men in the attempt, and was compelled to put his sick and wounded to the sword. He soon found that it was a task too costly, and the Romans satisfied themselves with erecting a wall as a barrier against the Britons. In no other country occupied by the Romans has such a thing happened, and Britons may well be proud of the circumstance. Unquestionably some of the best blood in Britain withdrew into the highlands of Scotland, and there put the Roman arms at defiance ; and we see the descendants of these noble men in our gallant Gaelic highlanders. Well may these heroes look down upon their lowland brethren with something like contempt ; for, whilst they can show the purest British pedigrees, the lowlanders, of all the inhabitants of the whole of Britain, are perhaps the most mixed and worst bred, for immediately beyond the Roman wall all kinds of adventurers immediately settled---Saxon and Danish pirates, and Irish adventurers. Indeed, so many of the latter settled down as to give their name to the whole country, and Scotia is it called to this day ; but at the time they all obtained another name, which, after the departure of the Romans, became a terror to the



English—Picti, a word which Dr Whitaker tells us means in Celtic Victi, or separated, and which Roman writers and many others, including Isidore, have thought to be a Latin word signifying that these people had painted their bodies. Common sense coincides with Dr Whitaker's derivation; and the almost invariable coupling together of their names, Picts and Scots, strengthens the idea. The Romans under Lollius extended their dominions, but within thirty years afterwards they were beaten out of all the conquests he had made, and were driven back again behind the *vallum* of Antoninus. Upon the retirement of the Romans the Borderers broke their bounds and ravaged all the country, showing that they were the very scum of the nation. This grand example of British unconquered courage has not been lost upon our countrymen, as Dr Whitaker tells us, whilst every other nation in Europe submitted to every ravaging barbarian without opposition, the Britons encountered their numerous invaders, faced them in every quarter of the island, fought them from kingdom to kingdom and from city to city, and with an unexampled resolution of spirit contended with them even for 800 years. The northern parts of the kingdom were never conquered; not even William the Bastard could enter there, and it was only through the peaceful union of the crowns of Scotland and England upon the happy extinction of the Bastard-issue of Henry VIII., that Britain once more became united—united after a separation of more than 1000 years.

## CHAPTER XIII.

### ON THE TRANSFER OF POWER FROM THE ROMANS TO THEIR SUCCESSORS.

WE know but little of the transfer of power from the Romans to their successors, or who were their successors; for there is a period of total darkness, nearly two hundred years, from the time of Gildas to that of Bede; and there is no pretence for any Saxon authority for some two hundred years later (the items in the Saxon Chronicle relating to this period being verbatim extracts from the last writer). We can therefore only conjecture what happened in this dreary period.

There is, however, one fact that is well worth notice. Whatever changes may have taken place in the dynasties, the boundaries of each kingdom remained identically the same. Several kings, as we know from Gildas, ruled separately in the great Roman Provinces, so immediately after the departure of the Romans, that it is impossible to arrive at any other conclusion, than that these British kings reigned contemporaneously with them, and that in fact they were the ancient boundaries of the several confederated nations which Cæsar found settled here in his day. The Romans did not create them for the purposes of government, but adopted them very

nearly as they had found them. They undoubtedly united several of these kingdoms into the larger Provinces; but, in all probability, even these divisions existed before their conquest. Flavia Cæsariensis became Mercia and East Anglia. In early times these states had been a great confederation of Ligurians or Llogrians, who occupied not only this province, but the greater part of Britannia Prima, from which it was doubtless severed by the first Roman conquest. Divided from them by the great natural division of the Humber, the confederate kingdoms of the Umbrians (Maxima Cæsariensis under the Romans) became Diera. Britannia Prima under the Romans—the chief confederation of the most ancient Llogrian and Celtic inhabitants of the kingdom, and the most recent arrivals through Gaul, the Cynne Wealh, became West Anglia. The land of another or later branch of the Cymri, Britannia Secunda, under the Romans, became Wales and the Marches; and the Lowlands of Scotland and Northumberland (another confederation of Umbrians), Valentia. When with Gildas the light of history dies away, we find these provinces governed, or rather misgoverned, as separate kingdoms; and when Bede reopens the page of reality, we find them still existing as separate kingdoms, though some of them had been subdivided; and upon all the thrones were to be found seated kings who, according to our edition of Bede, no doubt in this instance corrupted—called themselves Saxons, and who all claimed to be descended from one mythic ancestor,—an assumption so surprising, that it is difficult to understand how any one could have been deceived by it; for two centuries is but a short time in the life of a nation,

and those changes would be sweeping indeed which altered every feature in the landscape, and removed every landmark which had previously existed. But so it must have happened, if Bede's informants are accurate; if indeed the works of Bede have not been tampered with, and these items relating to Saxon history interpolated by possibly the forgers of the later Saxon literature. Writers of our own day are not ashamed to countenance the monstrous conclusions which are irresistible if we believe Saxon accounts. Sir Edward Creasy, the greatest of this school, is driven to the logical conclusion—compelled to demonstrate an absurdity—that if this was the fact, the whole of the Britons must have been exterminated: Now there is every proof, in the laws, language, and literature of each province, to the direct contrary,—proof so overwhelming, that no reasonable man can reject it. Bede also fully confirms the fact that the Britons were not exterminated. And if this be so, then arises the very serious question, whether any of these nations were Saxon, more than in the confederate name, and whether the royal families who ruled over these several kingdoms did not legally represent the very families whom the Romans left reigning. That this was the case in West Anglia and in Bernicia there is every reason to believe, as also there is strong ground for believing that the Mercian dynasty had never been changed. Changed it may have been by the distaff, for that mode of change is a British institution, the inconveniences of which we experience at this day; but such changes involve no alteration of laws or customs, and create no change of population.

It may be asked, if it is admitted that England was divided into separate States, each possessing their own government, language, and laws, how does it happen that one Common Law and one common speech universally prevailed? This result is chiefly due to the Druids and Romans. Judging from the names of the tribes who were settled within this district, and their correspondence with the names of the Ligurian tribes, of which, doubtless, they were the offspring,—it is highly probable that Mercia and East Anglia, long before the days of the Romans, were a great confederation of Ligurian people, who were divided on the north by the Humber and Mersey from a confederation of their neighbours the Umbrians, and upon the south by the Thames and the Bristol Channel from the West Angles; the more ancient and the most modern inhabitants of the kingdom—the more purely Celtic and Gallic portion of it—assuming, as there is very great probability, that in Britain the Gauls who had crossed the Continent here again mingled with their brethren, who had preceded them in their voyage round the confines of Europe. It is very reasonable to suppose that this, by far the most extensive and fruitful, would be the most populous part of the kingdom; and that their common language would prevail, and, especially with the assistance of Roman rule, dominate over the whole empire. Unfortunately we have few historical remains of the Mercians, if indeed they ever had a separate nationality; their history is almost a blank, and it is only with great difficulty that we can gain any knowledge concerning them. But what we do know shows positively that they were of British origin. The names

of the early Reguli of Mercia, like those of West Anglia, are British; and unquestionably their earlier kings during the Saxon domination were of British and Roman origin. Mercia was unquestionably the purest population in England; its inland position protected it from the inroads to which all other provinces or kingdoms were exposed. There is great reason to believe that the provinces we call East and West Anglia were most changed of all, simply because they were most exposed to attack. The Belgæ had their settlements in the extreme east, the Danes on the north, the Franks and the Saxons penetrated between them on the south of London; so that, except the mere tillers of the soil, the Angles, or the British part of the population, must have emigrated westward. In the same way, *Maxima Cæsariensis* was exposed, and no doubt suffered from the inroads of the Norsemen; whilst except upon the coast of Lincolnshire, and there perhaps only in the fen districts, Mercia would be unmolested. Hence the probability of the dialect and laws of Mercia prevailing over the rest of the kingdom is greatly strengthened.

If the West Angles of *Britannia Prima* were compelled to travel westward, we may reasonably suppose that their brethren the East Angles were at the same time driven into Mercia; indeed the name of Mercia seems more properly a national name, or another name for Anglia. Oddly enough, the part of this province occupied by the Danes still continued to be called East Anglia, though its new inhabitants were divided into North and Southfolk. It is very difficult to determine when the division between East Anglia and Mercia commenced. It appears more

reasonable to suppose that Anglia was a name applied to the whole country, like Britain or Albion, and Dr Whitaker proves to us that it was an equivalent name, and the subdivisions of Mercia, Diera, &c., disappeared at an early date of our history. If this be so, the so-called codes of the Saxon Kings are probably taken from the Common Laws of the whole kingdom, as their contents would seem to indicate.

The so-called Saxon records are silent regarding Mercia, and though we have Danish laws written in Saxon, we have no Mercian of any kind, unless the so-called Saxon laws are in reality Mercian. But we still have data from which it is sufficiently clear that Mercia from an early period enjoyed an independent existence, and that its government was at times British or English, and at times Danish, but that never till the reign of Athelstan was it in any way Saxon; from his reign it was doubtless governed as an English and not as a Saxon country.

The Llogrians who inhabited Mercia, and who became the allies of the Saxons, were spread over the whole of the centre of England, even into Lincolnshire and Cambridgeshire, and southwards they encroached upon the Saxon settlements. The Dream of St Guthlake confirms the probability of the first statement, and the laws of Ethelred show that provision was made for the slaughter of the Welsh. Asser also records that Alfred was greatly troubled by the Midland Britons, who could be no other than the Mercians. East Anglia was subject to British invasion so late as the 11th century, which would hardly be possible unless the Mercians were a kindred people with them. The whole of the northern counties

were thickly populated with Britons and Romans. Albania, the country north of the Humber, as its name would imply, was chiefly peopled by Britons, and these parts were governed long after the departure of the Romans by the descendants of their kings. The Danes encroached upon them and drove many of the people westward; but the western counties of Cambria, which stretched far over Herefordshire, formed a compact kingdom from the Clyde to the Dee, with Leeds for the frontier, the British population of which was never displaced; and even at this day, after centuries of English rule, but very few words—a very small portion of the dialect—can in any way be traced to a Saxon origin. Even when Ida conquered the province of Bernicia, whether he was Dane or Angle, he claimed to be sovereign of the Britons, and it still retained its British name. British ecclesiastics adjudicated in the law courts and governed the churches.

But if at the Norman Conquest Romans and Britons are to be found in Albania, and Llogrians still in Mercia, an even purer British race was to be found in the five western counties which the British called the *Cynne Wealh*, or Cornwall, as it is now called. It covered the whole of Devon, Somerset, Dorset and Wilts, as well as Cornwall proper. Where the petty kingdom of Wessex was originally confined, if it ever existed, it is difficult to say; but this portion of the kingdom, as it was purely British, receives hardly any mention from the Saxon historians or their substitutes. It is very doubtful whether there ever was a Wessex, as relating to *Essex*. Alfred's dominions were clearly West Anglia,



as we learn from the terms of his peace with Guthran, the Danish monarch of East Anglia. In the earlier days of the history of Wessex, it occupied but a very unimportant part of the kingdom. Cenred, Ine's father, is called Sub-Regulus in the *Regalis Prosopia*, following Florence of Worcester.

Nennius, or rather his continuator, who was probably Mark the Hermit, writing 994, only enumerates three Saxon territories—Sussex, Midsex, and Essex, the very counties still existing. Ethelward, who wrote his chronicle nearly a century later, when the forgeries concerning Wessex and Alfred began to appear, also only mentions three Saxon counties, but they are different—Sussex, Wessex, and Essex. Can Wessex be the ancient Middlesex? Curiously we have no history of a Midsex dynasty, and Middlesex is west as opposed to Essex.

Bede's account of the dynasty of Wessex is very perplexing, and so confused, that one is almost justified in pronouncing it to be an interpolation. Moreover, in one of the two most ancient MSS. extant, the two Cotton MSS. there is a break and some confusion, a whole chapter at this point being omitted, and this chapter relating to Wessex is apparently inserted in its stead. The narrative down to this point had been, as the title of the work suggests, purely ecclesiastical. Suddenly this ceases, a chapter of ecclesiastical matter, as if the interpolator was afraid to alter the number of the chapters, is omitted, apparently, to make room for further royal history. In the more modern MSS. the missing chapter is also included, and the numbering of the chapters is thus altered. Nor is this the only suspicious thing: in

the more modern MSS.—this injected matter is boldly divided into two chapters; the interpolator more cautiously has added the first chapter to a chapter of ecclesiastical matter, uniting it by a semicolon, and commencing the sentence by the word “*interia*,” although the matter so added has no kind of connection or relation to the other part of the chapter. Then, again, there is considerable confusion in the relation of the events. It would seem that one Cadwalla, “of the royal race of the Gewisse,” was in exile; when, from whence, and how the said race had been exiled is not related, nor when, where, and how he regained his rights, or what they were, is not stated, but it is known that the Gewisse were a British race. In some mysterious manner he not only regained his own territory, but brought the territory of the king of the South Saxons also into subjection—one of those marvellous relations which Saxon writers are so fond of producing. Bede, or the writer of this chapter, is good enough to relate, with like circumstantiality, a true Saxon pedigree aspiring to Woden. Singular that all British sovereigns, whether Germans, Angles, Saxons, Huns, Boructians, Danes, Frisians, or Rugini—all English pedigrees, according to Bede,—are descended from this wonderful individual. Cadwalla intermediately came from Cerdic; who, curiously, Bede, in another part of his books, states was king of the Britons—the whole a sort of story which only German annexers could invent, and only German admirers could believe in; in plain English, a lie. This Cadwalla had a brother Mull (or half-bred), a kind of indication that possibly they might have some Saxon blood in them, though unquestionably they were of the royal British race.

This history of Wessex and Sussex becomes terribly confused, so that one hardly knows whether to believe any fact mentioned. Sussex seems to disappear. Ina, a relation of Cadwalla's, though not a descendant, succeeds him in his kingdom—Ina, the hero of the Laws, passing under his name. Ina also swallows up Sussex; in fact, though elsewhere in books preserving her royal dynasty—Sussex hardly seems to have afforded them a home; and in all this shadowy history, we are in doubt whether any one fact is true, and whether any of these kings ever existed.

The West Angles, whether they had any connection or not with the Saxons, undoubtedly occupied parts of Dorset and penetrated so far as Exeter; but they were never more than co-settlers with the British, as the ordinances respecting the Dunsætas conclusively prove; and the Britons in the Cynne Wealh retained their precious privileges, at any rate until the beginning of the tenth century, and in the western portion of their kingdom they never lost them. Their numerous struggles with Egbert, Alfred, and Athelstan, prove the strength and compactness of the population. Had they not been greatly superior in numbers, scattered as they were, and without natural leaders, they could not have maintained the contest. The general success of the British in their battles is remarkable, and the desperate courage with which they bore up against repeated defeats, is evidence of the grand qualities of the British race. They obtained their reward in the liberal terms granted to them by the Conqueror.

We find, then, that the whole of the northern parts of the kingdom still remained in the possession of the British; Cambria, the whole of Britannia

Secunda, Mercia, and West Anglia. We must next look to the settlements of the Danes and Franks ; and lastly we shall come to the locality of the Saxons. We do not know positively when the Danes first acquired a footing in this country, but there is very great probability that their settlements commenced at a very early period, and long anterior to the settlements of the Romans. If the term "Saxons" was not indicative of nationality, and merely meant a confederation of marauders, we can readily understand the meaning of the "Saxon shore," which part of the southern coast was called in the time of the Romans. At this time, it is not pretended that the Saxons had any large settlements in the kingdom, or that they were resident at all ; although there is great reason to suppose that even then many Saxon settlements existed. We cannot otherwise account for this peculiar designation. The Saxons themselves, in their fabulous history, put the first entrance of the Danes at a period subsequent to their own "invasion ;" but their accounts of the Danes are altogether so absurd and erroneous, that it is impossible to place the slightest reliance upon them. It is not probable that the Danes had any very great power in Britain until after the reign of Charlemagne, although unquestionably they had formed a lodgment on the whole of the Eastern coast at a much earlier period. But authentic documents prove that at any rate about this period they had possessed themselves of the greater portion of East Anglia, and at the time of Alfred they were undoubtedly masters of it. Their proper province is clearly defined by the counties of Norfolk and Suffolk, counties which probably once having gained, they never left. Probably also they

had many settlements in the fens of Lincolnshire and the east coast of Yorkshire, and throughout the ancient kingdom of Northumbria, and even on the western coast of Lancashire; and southward they encroached upon London itself, within which they unquestionably had their own quarter. From this base they periodically overran the kingdom, and under the name of Saxons, spread greater ruin and devastation than even that barbarous people. The Welsh undoubtedly called the Danes Saxons. Referring to the death of Guthran, they call him King of the East Saxons. There is direct evidence to prove that the Danish Province abutted upon Mercia upon the north, and upon West Anglia upon the west, to which it was geographically opposed. So that the Saxons must have been confined to their proper counties; and although the Danes occupied a portion of London, in conjunction with its Roman and British inhabitants, there is no evidence to show that the Saxons ever had any hold upon it; and there is every reason to believe that the Thames was their boundary in the north. The Saxon name of the wood which fringed the hills south of London—Norwood, shows this to be their proper boundary; and if any weight is to be placed upon the alleged statement of Alfred, as to the ignorance of the clergy, it is a direct proof that the Saxons only resided south of the Thames. If, then, the Saxons were confined to the three counties—the extreme south-east of Britain—we may judge pretty accurately of the amount of their population, and irrespective of the titles which their chieftains assumed, of the power they would be likely to exercise upon the kingdom. And it must not be forgotten, that the county of Kent and parts of

Sussex were almost exclusively occupied by a Celtic, or Belgic, and a Roman population. A curious confirmation of this theory of the confinement of the Saxons within these narrow bounds exists in the fact that the people of the Saxon counties are to this day the most German, stupid, and phlegmatic of any in the whole of England. Though living so close to London they are like foreigners still, and might have just settled there from the Black Forest, or some other benighted part of Germany.

## CHAPTER XIV.

### BRITAIN AS AN APPANAGE OF FRANCE.

**I**N the last chapter we have endeavoured to trace the transfer of power from the Romans to their successors, and to ascertain, if possible, who those successors were ; but the nationality of the people who governed them is unhappily lost in obscurity. Before the strong hand of Canute could weld the component parts of the country into a compact province, to rule it as a Roman emperor, England had yet to pass through a long and trying period of nearly 500 years.

Unhappily the Britons did not rise to the spirit of independence which carried the cities of Southern Gaul triumphantly through the shock of invasion ; but though they lost the power of government, and indeed their very name, they still preserved their laws and institutions. A great writer has observed, our municipal institutions, our laws, our mercantile guilds, have all been transmitted to us, with more or less changes, through the stormy Saxon times ; but they were inspired with a new spirit, and disguised under new names. The præfects, scabini, and curiales of our old cities, are no more connected by popular apprehension with the mayor, aldermen, and common council of our own times, than Saxon architecture with its exemplar of Roman art: Yet, in fact, the

constitution of our towns is as Roman as the bricks of St Martin's Church at Canterbury, and our law as persistently British as when the Saxons adopted it.

But it must not be supposed that, in consequence of British supineness or want of courage, either the Britons were exterminated, or even that they all fell under Saxon rule. The truth is, that the Romans had so demoralised the people, so broken the spirit of their kings, and had so trained them—like the modern German princes—to submit cheerfully to a superior rule, that it mattered little in the abstract whether such superior was a great tyrant, like the Majesty of Rome, or one more pernicious and loathsome, like the many headed Saxon. The result was the same in both cases. British sovereigns with their independence lost their manhood, submitted cheerfully to be mediated, and in many instances they even assumed the livery of their oppressors. It is not to be supposed that in the first century after the departure of the Romans that any great changes occurred. The Saxons penetrated the country by slow degrees; they settled peaceably with the inhabitants; they did not fly across the land, as did the Danes, like a fiery scourge; they settled down as they progressed, and kept the ground behind them, and implicitly they respected and adopted the laws. They gained their power over one kingdom, or part of it, and then, doubtless, in imitation of their neighbours, they assumed a kingly rank; which, if indeed they came from Germany, they had never done before. By guile—the low cunning of savages—by terror, the effects of their desolating wars, and by persuasion, they in time assumed the lead of neighbouring



states, and gradually they claimed allegiance over them, without possessing any real right within them.

The Saxons had undoubtedly been settled in England under the Romans. The Roman Emperors encouraged strangers to settle in the conquered provinces, just as the Emperors of Austria and Russia and the King of Prussia have encouraged large settlements of the Jews in Hungary and Poland: it transfers from the conqueror to the new settlers much of the odium of conquest, and enables him to appear more in the light of a protector over all; and at any rate he can count upon some show of enthusiasm when he enters his new dominions. In all probability there were many Saxon settlements in those days. How otherwise can it be accounted for that so large a portion of the south-eastern coast was called the Saxon Shore? At some date between 369 and 408 (it is immaterial at which date, so far as the Saxon records and Bede's account is concerned, for either date would dispose of the Hengist and Horsa theory), an officer was appointed by the Emperor, with the title of Count of the Saxon Shore; he had jurisdiction also over the opposite coast of Gaul, where in Belgium and near Boulogne the Saxon pirates had also colonies. The proof of this is to be found in the "*Notitia utriusque Imperii*;" but there is little doubt that with the Saxons were classified vast hordes of Franks, who had settled in the island at or about the same time. Indeed it may be fairly assumed that all who were not Britons were called Saxons. Ammianus Marcellinus, who wrote during the occupation of the Romans (bk. xxiv. c. iv.), says that the Saxons, with the Scots and Piets and the Attacoli, harassed the Britons. Eutropius, referring to

the appointment of Caucrosius as Count of the Saxon Shore, clearly classified the Franks and Saxons together; but more than a century previously, and in the year 290, Mamentius, in addressing the Emperor Maximian, refers to the hordes of Franks who were then settled near London, and who, in this country at least, were the allies of the Saxons. How much earlier the Franks had settled here it is almost impossible to determine, and also how many there were of them; for most unquestionably, under the name of Saxons, they eventually became absorbed into the British population—becoming a component part of the Empire.

In all probability, however, their presence had something to do with the part taken in our affairs by the French, and especially that taken by the Emperor Charlemagne.

If there are many great puzzles amidst the various and numerous problems of the age, there is none greater than the part that Charlemagne took in our affairs. There is no doubt that this monarch pushed, even to extremities, the Roman doctrine of feudalism, and in all probability we owe it to this influence that the Saxon *reguli* assumed for a time so considerable a share of power. Charlemagne exercised feudal dominion of immense extent, varying in its nature with the different countries under his sway, including within it many degrees of subjection, from a mere acknowledgment of his power to complete vassalage. We shall never know accurately what part he took in our affairs, for those who forged the Saxon histories, and magnified their actions, did so purely out of hatred to their Norman masters; and it would be as unpalatable to themselves as it would

be gratifying to the Normans, to recount the grandeur of their ancestors, and their earlier connection with this country. There is, however, clear proof of the interference of Charlemagne in the affairs of this country, and, therefore, necessarily of the allegiance which he obtained from some of the kings. In the year 808 the rulers of the Scots became his subjects and servants; and about the same time he restored Eadulf, king of Northumbria, to his throne. Later on, we find that Egfrith, king of West Anglia, became his vassal; and when he was ousted from his kingdom, Charlemagne placed Egbert upon the throne of West Anglia; and there is little doubt that to him Egbert was indebted for the vassalage of the throne of Mercia, the chief kingdom and the stronghold of the Midland Britons. In fact, all the kingdoms of Britain were quasi-fiefs of the Emperor, and there is grave doubt whether, in seeking a match between his son and the daughter of King Ossa, Charlemagne had not in view the possession of Mercia, if not of the annexation of the whole kingdom. Egbert styled himself Emperor of Britain, although the Saxon Chronicle described him just before his death as simply King of Wessex,—and West Anglia, in its smallest days, probably comprised the whole of his kingdom. Still, there can be little doubt that as a vassal of the great Emperor he was a person of consequence, and in all probability he was a mere tool in his hands, and carried out the Imperial views. It is impossible to trace more than an outline of the intrigues and doings of Frenchmen in the affairs of England during the continuance of the Empire of the East, which Charlemagne had founded, nor is it necessary; but it is quite clear that the successors of

the great Emperor did not lose sight of his designs upon England. Ethelwolf, son of Egbert and father of Alfred—so-called the Great—continued his relations with the French Court, and was rewarded with the hand of Judith, daughter of the French king Charles the Bold, who, according to the British law, was crowned queen; and as Alfred was instructed by her, there is great probability that he received an education very superior to that enjoyed by any other British prince of that period; and therefore a ground is laid for the belief that he possessed superior virtues. Unfortunately for the Imperial designs, Judith died without bearing any children. With the dismemberment of the Carlovingian Empire ended the interference of the French in British affairs, and, as consequent upon it, the Normans rose into power; so this country, in ceasing to be an appanage of France, became a province of Denmark, the Danes not only taking the place of the French, but copying their policy in giving Ethelred a Danish wife, openly drawing tribute, and finally entirely annexing the kingdom. So that at no period can the Saxons be fairly alleged to have governed the country. Even when they assumed the titles of royalty they possessed no real power, and only exercised the shadow of it as the nominees and vassals of the Empire of France. They indeed only ruled England as the British princes had been allowed by their Roman masters to govern it; so that it is entirely erroneous to speak of Saxon rule. England was successively British, Roman, Carlovingian, and Danish, but never Saxon.

It does not appear that in Britain vassalage was attended by any very grave consequences, or that the

superior lord gained any signal advantage or profit from it; for we know that although the nations were said to be subject to one another, and in some instances—as in the case of Mercia and Wessex under Athelstan—to be actually united, yet we find that each state retained its autonomy. There was no real union, no incorporation, no amalgamation of their laws; but, just as under the Romans, each state retained its own laws, and was governed by them. The Common Law remained as it was, and just as the Romans left it, the Common Law of the whole of Britain.

In explanation of this may be adduced the fact that all the Saxon kings governed by the same ancient laws which they found already existing. The government of the kings was personal merely, and in subjection to the territorial laws, which never changed, whatever may have become of the successive dynasties. There is reason to believe that one country lying on the borders of several kingdoms may have successively submitted to each of their kings within a very short period, just as the fortune of war changed. But this did not interfere with its laws; and it is surprising how indifferently the people, who depended upon the laws, and trusted to them, and only hated the wars of these kites and crows, would regard the head of the government. This characteristic of the British people is still as strong as it was. With the exception of the Stuarts, who were hated more intensely and loved more passionately than any of our kings—if we except perhaps the house of Plantagenet—the people are indifferent to the person of the head of the government. To them he is a mere abstraction, and entirely separate from his office, as

was the case with the Romans. The power of the British law is entirely independent of persons, and superior to family ties. It is cosmopolitan and catholic in principle. The British nation hailed the restoration of the House of Stuart with immense joy, from its sense of the awful wickedness of the regicides of 1649; but it saw the Stuarts again set aside by the cold and selfish and undutiful William III., with more than indifference; and the transfer of the crown to the House of Hanover scarcely moved them. The British people of that age cared not who reigned, so long as the glorious principles of the Whigs were everywhere triumphant. The Tories were also satisfied, so long as the (Protestant) Church and king might still be toasted. They had no affection for George I. or his successors. They loved only to regard them as butts for their sarcasms. They desired a king who should protest against the religion which they hated and persecuted. So long as he was not Catholic, they were content that he should have no religion of his own, and in this respect their expectations were fully answered. Grave men shook their heads at the immoralities of the Georges, but they regarded the sins as their own; and as they certainly had not one of the characteristics of Catholics, they were perfectly satisfied. The Protestant queen Anne Bulleyne, the Protestant whore Nelly Gwynne, and the Protestant rake George IV., in spite of all their vices, were all popular characters.

It was the same with the British under the Saxons. They were indifferent to the person of their rulers. They regarded the change with utter indifference. But few of their princes, except in descent from females, were of their own blood; and from the death

of the last British emperor, Cadwallader, in 680, they had not felt themselves strong enough; or anxious enough, to set up a ruler of their own. So long as they retained their laws they were easily satisfied.

Hence Dane displaced Saxon, and one Saxon displaced another of his kindred with marvellous rapidity; and as evidently, from the story of Alfred, the people took but little interest in his fall, and were well content with Danish rule in West Anglia, we may well imagine that each successive conqueror was hailed with the same sham enthusiasm. As the yoke was very light, the burden was very easily undertaken; the only anxiety would be to obtain a strong chieftain, in order to repress the brigandage and ruffianism which, under the joint Saxon and Danish rule, was ever prominent, and if possible to secure immunity from the horrors of war,—a wild hope, in these troublous times, when nearly every man was a soldier, and no conquest was permanent or victory secure.

It is well to remember that the Britons, who so often changed their masters, were no serfs. In the Western Wealh, the kingdom of West Anglia, as elsewhere, the British people, though vassals, were in no way inferior to the Saxon subjects. They were never serfs, but freemen, submitting only to the sovereignty of a Saxon. It was a submission to the kingly power of the persons, rather than of the territory. Egbert, during his exile at the court of Charlemagne, had no doubt learned the power and advantages of feudality; and as at first it was unattended by any serious inconveniences, and had certain advantages by way of giving peace and protection—it was indeed more a bond of mutual advantage than a yoke of servitude—he had no difficulty, assisted as

he was by the emperor, in establishing the system thoroughly in England, though it was left to Edgar more completely to carry it out; but it cannot be supposed that it was then of any great effect. Though a sub-regulus took the oath of allegiance, he paid no tribute, and it was only nations who were really conquered in war that did so. It was otherwise with the Saxons, who paid Danegelt, because, unless they did so, the Danes would have ravaged their country. It is to their extraordinary facility of changing their dynasties that we chiefly owe the difficulty of assigning this or that part of the country to Briton, Dane, or Saxon.

The Saxons never governed England as if their stay was permanent; their government was similar to the discipline of an army. No Saxon could possess the soil, he simply had the usufruct; he was ever ready to depart to seek other pastures for his flocks. Hence the immensely greater part of the so-called Saxon charters must be forgeries. The Saxons, in fact, had no real government; there was no incorporate union of their kingdoms, even when held under the same monarch—no assembly possessing a binding and a controlling power of legislation. There was nothing like a home government: it is doubtful whether they had a chancery. For the most part, the provinces were occupied in setting up and in destroying a succession of miserable tyrants. Mercia alone seems to have been something like a settled kingdom; and, as we have seen, we have but scanty details of its management.

The Saxon did not fight for pastime, but for plunder. He was greedy of money, and would die for the sake of lands and goods, but he never destroyed life



for the sake of doing so. Carefulness for life—even the life of an enemy—was a virtue. The German of the days of Cæsar, like the German of to-day, was mean and penurious. He had the vices of a savage—gluttony, drunkenness, and the coarser sins of the flesh—but, as has been truly observed, he was not immoral in light-heartedness, or on principle. He respected marriage and womanly purity, and did not sing the praises of illicit love. In all these respects he had the advantage over the Danes.

The influence of woman upon society was not felt in Saxon times. Though they respected their women, they had no chivalric feelings for their weaknesses, but, as do the Germans of to-day, they used them as drudges, not as vessels of honour. As the Saxon had but little imagination, he had no poetry in his composition.

Before they came to Britain the Saxons had no kings, and it was only in imitation of the Romans, and by slow degrees, that they learned how to raise up kings amongst them.

The idea of sovereignty was so new to the Saxons, and so different from our conception of it, that it is worth while to devote a few words to the subject.

The dignity of king or emperor amongst the Saxons was rather an appanage of the premier tribe. The early Saxon kings were in reality only the aldermen, or old men—the chiefs of the tribes—possessing a personal rather than a territorial authority; and if their dominion extended beyond their own people, as it no doubt in some manner occasionally did, it was seldom of greater weight than a mere acknowledgment of superiority, and an undertaking not to war against, but if necessary with, the king to whom

such fealty was due. It seldom took the form of an exaction of tribute. We are apt to be misled as to their power by these high-sounding titles—kings, basileus, bretwalda, emperor. No title seemed inconveniently large to these very small potentates. A wonderful instance of absurdity is to be found in the case of Ella, who called himself Emperor of Britain, although he only ruled over the small county of Sussex, the greater part of the population of which was of purely Belgic blood. His successor, a more modest and sensible man, was satisfied with the title of chieftain. The barbarians who overran Europe on the dismemberment of the Roman Empire, just in the same way, upon the smallest provocation assumed equally grand titles. And this absurdity in Germany, the slowest country in the world, has survived to the present day, for there we see kings and grandees on a very small scale ; but the equally absurd assumption, in the eyes of a student of history, of imperial rank by the King of Prussia, will probably shortly cause this folly to disappear from the page of history. Happily for us—for there is no greater curse to a country than these sham royalties—the great Canute, the greatest monarch of his age, swept them away before they had obtained any real importance. There is every reason to believe that the number of emperors, reguli, and sub-reguli who subsisted at the same time in Britain was unreasonably large, though of course their powers were proportionally small. From kings and emperors they descended to petty chieftains, each of whom assumed the insignia of Roman authority.

The perpetual warfare in which these chieftains were engaged rendered it impossible that their alliances could be of long duration. As they were easily

made, they were very easily broken; the facility of getting rid of their obligations shows the slightness of the bond. An indecisive battle was probably the prelude to a truce, in which perhaps each nation or tribe claimed the superiority; and this afforded an opportunity to change allegiance. Hence it is that there is no certainty in Saxon history. The kingdoms and combinations of to-day are broken up by the battles of to-morrow; dynasties disappear as speedily as they come to the front; and as they depended upon personal audacity, the new king or ruler might have no sort of connection with his predecessor. This fact alone is sufficient to prove the utter folly of the Saxon pedigrees which have been foisted upon us. In fact, so long as the Saxon violence was uncontrolled, and until the Danes took possession of the kingdoms they had so long held in tribute, there was no settled government, and the Saxon histories, like their royal pedigrees, are mere romances. There is actual proof that in some of the battles in which it was alleged that Alfred had conquered the Danes, they were settled by the payment of a heavy indemnity. Almost the only instance in which the Danes retired without their usual booty was at that battle which was concluded by the conversion of the Danes to Christianity; and there is much reason to believe that even then a money payment accompanied the gift of religious light.

Although a similar institution existed under the Britons, it has been alleged that the division of hundreds, so named, is due to the Saxons; and it has been used to indicate the number of Saxons who settled in the country; for it is a fact that these hundreds multiply in the maritime counties, where

the Saxons were settled. And if this supposition was correct, sixty-six in Kent, seventy-two in Sussex, contrast strongly with six in Lancashire, five in Staffordshire, and seven in Leicestershire; and these figures would show that the Saxon population in the midland counties was very thin, and probably but a small proportion of the number of the native settlers who remained. The Saxons had two objects in view in seizing the neglected Roman province—to obtain a subsistence for themselves, and riches from the conquered people, and gradually they became as one. That this theory is correct is obvious from the fact that hundreds of common words, relating especially to government, to agriculture, to the arts, and to household life, may be traced in the limited Anglo-Saxon and Welsh vocabularies, showing how largely the Saxon is indebted to the Romanised Briton for his knowledge of law and the various wants of his daily life.

The Saxon conquest was a change of the highest moment, but it did not break up society; it only added a new element to what it found. The Saxon state was built upon the ruins of the past.

Bede has bequeathed to us one important fact existing in his day, and therefore unquestionably true, that there still remained five distinct nations. One of these was British, and another Roman. He unfortunately does not give any idea of their numerical strength, or of their present localities, but he supplies sufficient evidence, in the course of his history, utterly to refute the monstrous statements of Sir Edward Creasy and his school, that the Britons were exterminated by the Saxons. He proves their co-existence.

It is somewhat singular, that the part of Britain which has the best history of the Saxons is that part which was chiefly British, West Anglia. We know more, or we have more told us of that portion, than of any other beside. No doubt this is attributable chiefly to the superior intelligence of the inhabitants, who were almost exclusively British even in Alfred's day; for when the Danes upset his dynasty, he had no friends amongst the people, and lived for a long time in a state of abject poverty amongst them.

The history we do get is no doubt obtained in dribblets from monkish registers; but this proves at least that there were monks, and that in itself is a sign of civilisation.

It is a remarkable fact that Saxon influence in England was wholly ignored until the accession of the House of Hanover, and then, at that debased period of literature, we have the caricatures called histories presented to us. Lappenberg has remarked upon this, and pointed out that our great countryman Shakespeare—who has gone to British history for his materials, and besides, through the whole range of the world's history—has not introduced in all his works one topic of Saxon literature; and that until Milton endeavoured to sift the facts, no one had paid any attention to them. The forgeries of the time of Archbishop Parker had not then been brought to light; and it was reserved for the Georgian era to produce, as it is for the Victorian to scatter, that monstrous conglomeration of lies which so long has passed current for history. We must unlearn all we have learnt concerning the Saxons; taking care that the distrust engendered by the successive forgeries we meet with shall not react too severely, and cause

us to reject as facts the little we can learn, and the few materials that we actually possess. Before giving a summary of our actual knowledge of Saxon history, it will be as well to notice some of the most striking lies which the Georgian king-worship has produced. As we should expect to find, everything British is assigned to the Saxons, and chiefly to Alfred, for the first time christened by these very little people "Alfred the Great." One brilliant idea was that to Alfred the Great we owe—the value of them we are at a loss to determine—the division of England into counties.

If we consider the actual extent of territory which Dux or Sub-Regulus Alfred possessed, and which is evidenced by the devises in his will, assuming that to be genuine—a very strong assumption—we shall see the utter absurdity of this story. As we have seen, they are simply the natural divisions of the different nations, or gentes, who inhabited Britain, which the Romans respected, and which many circumstances combined to keep intact. But if we had no such evidence, we should find it very difficult to believe that King Alfred had anything to do with it. The very shape of the counties themselves (to say nothing of their names, in each of which is contained a history), shows that they were the work of successive ages, the result of the expansion and depression of tribe against tribe. But what evidence have we that King Alfred ever possessed power sufficient for the purpose? The country was divided into at least four, if not five, separate kingdoms, corresponding very nearly, if not actually and precisely, with the present circuits of the Judges, which in all probability are the divisions of West

Anglia, now the Western Circuit; Mercia, the Midland and the Oxford; East Anglia, the Norfolk; Northumbria, the Northern; and Sussex, Kent, and Essex, the Home. Canute first held all these kingdoms in his hands, and probably instituted the circuits of our Judges. Alfred, as his will shows, had possessions in one only; and if he had gained, from respect or by force of arms, the allegiance of some of the other kings—a most doubtful point—he clearly had no power or opportunity, as he could have no occasion, to divide their territories into counties. Those who have invented this story have forgotten to tell us the object for which they were divided, and upon what principle it was accomplished; and equally false will be found every one of the same stories.

The story that he was the author of our laws, and invented the British jury of twelve, is equally false. The present common jury was the work of the reign of Edward I., who founded the institution because of a certain decree of a Council of the Roman Church. Juries, and of twelve, had long been familiar to the British people, and were instituted certainly before the time of the Romans; though in all probability but little was done with them during Alfred's reign, if they were then in use at all.

Then again, how utterly stupid is the story of his founding Oxford! That is unquestionably a forgery of Archbishop Parker's reign, if not of the Archbishop himself. The story is absurd; for we know that until the Reformation did its best to stamp out learning, that not only Oxford, but every town in the kingdom, possessed seminaries for learning, and it was only at this enlightened period that they were destroyed. Probably, in Alfred's reign Oxford and

Cambridge had no more special means of education than had half the towns in the kingdom. A substitutè was made for these seminaries upon their ruin, by the institution of grammar-schools all over the country,—many of them in King Edward VI.'s reign, when the want of them became most flagrantly apparent, and the effects of the scandalous spoliation of the previous reign began to be felt.

We shall have to consider, when we come to the subject of Saxon literature, whether any and what part of the history of this king is authentic. At present it is sufficient to notice these extravagant and outrageous inventions.



## CHAPTER XV.

### THE RISE OF DANISH POWER.

**B**RAITAIN was for centuries harassed by the encroachments of the Danes; and when the French Empire relaxed its hold upon this country, and probably before Charles the Simple had so weakly permitted the Danes to settle in Normandy, that enterprising people virtually supplied its place; and there can be little doubt that, from having become an appanage of France soon after the extinction of Roman power, it subsequently became a province of Denmark. The best consolation in this fresh degradation is, that we owe to these same Danes when Normanised, that our country regained its independence. In imitation of the Roman Emperors, and as Canute had done, William the Norman transferred the seat of government from the Continent to the island; and under his rule and that of his successors, Britain once more became a power in the world, and from its seat of government ruled over a great portion of the Continent. To the Saxons we owe nothing but degradation, but to the Danes we owe it, that once more a British Empire was established. The Danes, however, like the French, permitted the Saxon kings to rule; and gradually the dynasty of the royal house of West Anglia—

whether of British origin or not, and whether by the aid of France and Denmark or by their own merits—obtained the chief government in the kingdom. Alfred obtained for his family the throne of the great kingdom of Mercia by the marriage of his daughter with the reigning monarch. Although Alfred himself, as a petty prince, had only been able to obtain in marriage the daughter of one of the nobility of that country, his own daughter was so fortunate as to obtain the hand of the king. And upon his death, she having in accordance with British law become their queen, was continued in the government. Her power and personal influence must have been very great, for she was able to transfer the kingdom to her brother Edward, and West Anglia became incorporated with it. His son Athelstan was readily accepted by the Mercians as their king, though the people of West Anglia hesitated in accepting him as their sovereign, fearing doubtless that their smaller kingdom would suffer by the union.

Athelstan pursued the same policy which Alfred his grandfather had adopted, and gave his sister in marriage to the Danish King of Northumbria, who, however, subsequently repudiated both her and that Christianity with which, it must be feared, the gift was hypocritically accompanied. At his death Athelstan seized the kingdom, and once more Mercia became the great kingdom of England; but it cannot be supposed that his power was real. The Danes all this time were still pressing upon him, and might, perhaps, equally style themselves monarchs of his dominions. At any rate, in the reign of his successor, Mercia was in their hands, and Northumbria

was regained and again became a Danish province. So precarious was the position of the grandsons of Alfred, and so little opportunity had they of consolidating their dominion, that the sons of Edward were, after his short reign, set aside in favour of their uncle. In fact, so far from any of these kings being monarchs of England, they can only be regarded as chiefs of armies, or perhaps as leaders of certain of the peoples. The power possessed by the great-grandsons of Alfred was merely nominal. Mercia and Northumbria during the reign of Edwy were in revolt, and Edgar practically made peace by giving up his government to the inhabitants. Northumbria was divided between two Danish earls; Kenneth of Scotland acquired the district of Lothian; Mercia and Anglia each were governed by their aldermen; in fact, the kingdom was again subdivided into its ancient divisions, and Edgar only nominally governed the whole. In other words, their kings owed allegiance to him. What this was worth we have already seen, and how poor was the tie is apparent; for but a few years passed after his decease when his dynasty passed away for ever, and the Danes became openly masters of the land. As they had long been the dominant race outside the kingdom, and had been for several centuries perpetually ravaging the country and exacting tribute from the British and the Saxons, they could not much longer remain in a subordinate position; and it only required the long and pacific reign of Edgar to consolidate their power, and for an opportunity of establishing it to offer itself to them.

Their greediness acquired fresh zest, and they so impoverished the kingdom by the amount and fre-

quency of their demands, that poor, weak Ethelred—really the last of the Saxon kings—in utter despair adopted the miserable and wicked expedient of attempting a general massacre. Of course it was a failure; it could only include the chiefs, for the greater part of the people who were not of British were of Danish blood. This was the death-knell of Saxon power. The following year (1003) Sweyn landed and ravaged Wessex with fire and sword; and although, probably for his own convenience, he departed the kingdom after receiving payment of the enormous sum of £35,000, yet his departure was followed by the invasion of Thirkell's host, who, after ravaging and conquering sixteen English counties, East Anglia, and those of the South, virtually wiping out Saxon power, obtained a further sum of £48,000. Sweyn returned in 1013 to settle in this country, and to die. Conquering and destroying all before him, he ordered every male Saxon to be put to the sword, an order which was no doubt fulfilled to a terrible extent, for from that day, until the wild attempt of Harold, we hear no more of Saxon insurrections, and but little of Saxon influence and power; indeed the brutal massacre of St Brice was doubly avenged by one much more terrible and bloody. The poor, powerless Saxon king dying, his son was permitted to reign for a few months in the ancient kingdom of West Anglia, and then, in terrible retribution for his father's crimes, he was assassinated and his issue were sent out of the kingdom. From that time the Danes reigned in peace. Then, and for the first time since the departure of the Romans, Britain enjoyed a period of real tranquillity, and had the blessing of a strong government. Canute was a

great and equitable king, and administered justice fairly amongst his subjects.

The Danes, as they had long been masters without the kingdom, now became sole masters within it; and this epoch is the most important in British history since the departure of the Romans, constituting as it does the advent of Norman power. This, indeed, is the true period of the Norman Conquest, though Professor Freeman has written four volumes to prove that it occurred half a century later. The Danes were a singular people. Brave and determined, they were true lovers of the sea and lovers of plunder; an idle, vagabond life was to them superior to one of industry and usefulness. They lived for the luxury of the hour, and cared little for the thoughts of to-morrow. One curious characteristic was their fondness for their own land. Although they were long masters of the country, or at any rate of the Saxon portion of it, and could have held the whole of it with ease, they preferred their own narrow settlements on the eastern coasts, and elected to draw tribute from the industrious inhabitants, when they might have possessed the land as their own. They preferred to hold it as a mere fief of their crown, and to ravage it at will. Perhaps this gave them greater scope to carry out their lawless desires. Sweyn, and after him Canute, adopted a more respectable policy, and openly annexed the kingdom, and it became an important province of the Scandinavian kingdom, with which it remained united until his successors lost their hold upon the Continent.

The Danes no doubt drew tribute from the Britons and Saxons at a very early period, though the Saxon annals are lost, and we cannot distinctly tell when it

began. This payment is recorded to have been made in 865, a probably true date, as French influence was then declining. The Danes were a very powerful people. They had not only large possessions in England, but they overran nearly the whole of Europe. During the reign of Ethelbert they destroyed Paris and many other French towns. Some of their squadrons ascended the Scheldt, whilst others, passing the Straits of Gibraltar, sailed up the Mediterranean and devastated the southern shores. The origin of this noble and singular people is still a mystery; but again it interests us, for we may look for a race of sovereigns who, through their mother at any rate, will be of Danish extraction; their mother, our Princess of Wales, the best-beloved princess of modern times—beloved best not only on account of her grace and beauty, but because, after the lapse of 800 years, the large and powerful Scandinavian population of these islands will again through her see a monarch of their own race upon the throne. For although we English are insular enough in our ideas to see in the reigning house now domiciled in this country a race of English sovereigns—English in race, manners, and habits—yet we know that the insolence of modern Germany is to regard our princes as of their race, forgetful of the fact that it is only by virtue of the English blood running in their veins, and totally irrespective of what the remaining portion may be, that they were chosen and selected by our people to reign over us, and that at a time when the petty kingdom of Hanover, and indeed all the petty kingdoms of Germany, were more or less in subjection to the kingdom of France. And in our hatred of German annexers and German

insolence, we rejoice greatly that our future sovereigns will at any rate be half Danish, with the rest of their blood English, dashed though it may be with German, most part Danish and English, nearest of kin to our own stock, the German element kept well out of sight, as no honour to us after modern German doings—doings so utterly repugnant to honour and honesty, and to good sense.

And that German blood is utterly inferior to both English and Danish, what student of history can doubt? From whence comes it, none can tell. We only know that it was execrated as something vile and horrible by the aristocracy of the old world, and that it has never been able to show equal credentials to respectability when in contact with the new; and it is an undoubted fact that every atom of literary remains which the Germans claim to possess is annexed from their neighbours the Danes. German pedigrees of royal race are stupid forgeries, would-be additions to the true Scandinavian genealogies which Germans have seen and envied. The mode in which the forgery is made supplies its detection. No one versed in history pretends that every step in the early portion of the Danish genealogies is perfect. Whilst they can be traced back with absolute certainty to a certain connection with their great leader, deified by his descendants, Wodin, no one pretends that every step in the pedigree, especially in its earlier portion, is fully elucidated. Every one knows, on the contrary, that for the period of the first one or two centuries only so many links are discovered. But the German forgers, in their stupid fidelity and profound ignorance, have taken them to be literally true, and inventing a family for an imaginary younger son

of the great Wodin—a device not unknown to our own pedigree manufacturers—have derived their descent from him step by step *in pari passu* with the Danish pedigree, so that we discover at once the ridiculous forgery. It might perhaps have passed muster if the descent were only claimed for one or two houses, but when it is claimed universally for all, we are compelled to arrive at the conclusion that all Germans are Danes, or that all German pedigrees have been annexed; and we are compelled to arrive at the latter conclusion, for we find that German scholars (save the mark!) have not been content with annexing Scandinavian pedigrees, but lay claim also to their literature and religion, and, cruellest claim of all in the eyes of the true antiquary, they claim the possession of Scandinavian runes, the one thing above all others which gives to Danes and Scandinavians, generally, a pre-eminence above all the northern nations of Europe.

There can be but little doubt, as the traditions of Scandinavia indicate, that the descendants of Wodin or Odin have an Eastern origin. Their chain armour is like that of the Circassians; their literature unquestionably is of an Eastern type. Odin's letters or runes originally consisted of sixteen letters, but the genius of the Scandinavian people greatly increased them. They are very similar to the cuneiform writing of Assyria, and their counterpart may be found in the ancient letters of Ionia; but if we believe that Greece learned her alphabet from Phœnicia, we can only believe that the Scandinavians derived theirs from an independent source at least at as early a period. When they first settled in Northern Europe is still a mystery. Mr Thomas



Morgan, in a very able but one-sided view of the question, in vol. xxix. of the *Journal of the Archaeological Association*, fixes the late period of the 3d century after Christ; and Torfæus (*"Series Dynastarum et regum Danæ Hafniæ,"* 1702, p. 113) would give the year 70 B.C. as the probable period. But these dates are utterly inconsistent with British traditions, which give the Norman a standing in Norway of many centuries earlier. The sons of our great British monarch Dynval Moel Mud, who reigned 700 or 800 B.C., intermarried with the daughters of the Norwegian kings, and one of them subjected the territory of the Danes, the allies of the Normans, to his own dominion. Norwegian traditions return the compliment; for Suone relates that Ivar Fravaddia, King of Norway, reigned over a fifth part of Britain (*Yagl Saga*, c. 45). There must be some truth in this double tradition. The very fact of the antiquity of their runes proves that the race were separated from their original home centuries before the date fixed upon by either Morgan or Torfæus. That they were not dominant in Denmark earlier than the period assigned to them may perhaps be admitted; for up to this time undoubtedly the Chimbric Chersonese was purely Celtic, and it may be owing to these Norse adventurers that the Gaelic or Angælic, and Sæssones or Saxons, from a Celtic became a mixed population. Perhaps Dr Whitaker is right in his derivation of the name, and the Sæssones mentioned in connection with the Biturix by Lucan may be their original ancestors. If it may also be conjectured the Biturix are identical with the Boictians mentioned by Bede, the probability is greatly strengthened. The Scandinavians were not extermin-

nators, and peaceably settled amongst the people they invaded. We know this to have been the case when in later times, under Canute, they obtained supreme power in these islands; and we believe it to have been the case when they resided with the Celtic population of Denmark. They did not destroy the Celts, but gradually blended themselves with them, and formed one nation and language. The religion of Odinism did not perhaps materially differ from that of Druidism. The Scandinavians were a cultivated people, and hence the Celtæ would find no difficulty in the amalgamation. Not so with the Saxons, who represented the grosser barbarians, the unlettered and untutored sons of Central Asia. It is curious to see that the Scandinavian writers themselves make no marked distinction between the Saxon colonists who lived at the mouth of the Elbe and the Celtic inhabitants. They appear to have regarded them as one nation, a fact which proves the correctness of the tradition, that their own invasion of Celtic Europe succeeded that of the Gothic tribes. Hence we are not surprised to find Scandinavians passing as Gothic or Jutic tribes. The truth seems to be, that the Goths and Vandals, and the other savages who overran Europe at the same time, had settled largely amongst the Celts, in some parts even outnumbering them, and corrupting their names long before the Scandinavians attacked them. Hence we find the result to be that the annexed Scandinavian Jutic-Celtic people retained generally their Celtic names, and partially retained their laws and religion: not so difficult, because in Thor, the Thunderer of Odin, is clearly recognised the Jupiter of the Druids, whilst in Mars they recognised Wodin

himself. That the Scots, or Scits, as they called themselves, were a Scythian people like the Scandinavian race, cannot be doubted. Their name indicates the connection, which many facts tend to corroborate; and the literature of Northumbria proves conclusively that she too had a people kindred with the Scots and Scandinavians, a people who, whilst they adopted the British language, largely infected it with their own vernacular. In considering this subject, we must bear in mind that there are no Scandinavian parchments older than about the 13th century, and but few of these, and that the runes still preserved are of a very uncertain date, although their character shows them to have been derived from primitive times.

It is not difficult to imagine the effect of the decline of the Saxon power in England upon the Ilogrians, who had become as Saxons. They would naturally rejoice at it. If they did not in the Dane gain a lord who was very refined, they gained the protection of a powerful and manly people; they need not fear the treachery and despicable meanness of the Saxon; for the Danes, like their kinsmen the Normans, were no assassins. Though violent and cruel in their warfare, they were fair and open in their attack, and from their connection with Normandy they must have been a much more refined people than the Saxons. Long before they governed here they were infinitely more British in their manners and habits, and in this was contained the elements of their success.

## CHAPTER XVI.

### SAXON LITERATURE.

**I**T is a grave question whether Saxon was ever a written language, that is, whilst that people held any semblance of power in England. In after-times many Saxon events and documents, which undoubtedly had existed in Saxon times, but which were then written in Latin, were re-written in what its admirers are pleased to call the Saxon tongue, but there is no proof of its previous existence. How is this question to be determined?—for there is no direct evidence either way. No contemporary writer has ever referred to it; indeed, William of Malmesbury, who of all the early Norman writers gives the best account of the literature of the age, asserts positively that, from the time of Bede to his own day, no records or histories of any kind were known to be extant; and that after diligent inquiries, he excepted from this statement certain vernacular notices, by which he is always understood to refer to the Saxon Chronicle. But if he did refer to it, so contemptuous was his estimate of its worth, that we must look at it as it at present exists with the gravest suspicion; for he could not have passed over a work of its magnitude without a further notice of it. But against his positive evidence we possess

in our own day many large Saxon works, Codes, Chronicles, Histories, Wills, Court Rolls, Charters, and almost every conceivable kind of literature which would be likely to exist, assuming that the Saxons were a literary people.

There is good ground for the belief that the whole of these documents, in their Saxon dress, are simply impostures; many of them are authentic, that is, are translations of authentic documents, but probably every one had a later origin in its Saxon form than the Norman Conquest. This at any rate is clear, that those who wrote the Saxon MSS. were not Saxons. It was stated in the columns of the *Athenæum* some years since that the Saxon MSS. were the work of Irish scholars, and Mr R. T. Thompson, in his essay on Alfred's Geography, writes: "It is certain that some of the MSS. have been written by persons who had no knowledge of the language, or at least whose acquaintance with it was very imperfect. It is not unusual to find several words run together as if they were a single word, and often a word of significance is enclosed between the end of the preceding and the beginning of the following word, as if the strange compound were one word."

In order to estimate fairly the value of Saxon literature, it would be useful to inquire into Saxon history, and to trace, if possible, the origin of that people. This, indeed, is an impossibility; for, except the disputed documents, they had no literature of their own, and they have destroyed nearly all the proofs of British history. They were regarded upon the Continent with so little curiosity, that no early

writer has taken the trouble even to mention their name.

There is no proof of their identity with those tribes mentioned by Tacitus and others, who bore similar names, and all we know is inserted in one edition of Bede, which directly contradicts the account given by Tacitus. But even if we assume that his works have not been tampered with, we know the sources of his history too well to place any reliance upon anything which was beyond his actual knowledge. In all matters relating to the Church—to give the history of which was his aim and object—we accept him as an authority of the highest order; but in matters affecting the history of the people, of the country, or of its institutions, we can only look to the sources from which he gained his information, and we know from himself that he had no evidence of any of the historical facts he relates, but the traditions and statements of the people around him; and they were doubtless tinged by the fancies and absurdities of the day.

So utterly illiterate were the Saxons, that they did not even possess the first and rudest rudiments of a national literature, that of national songs. In truth they belonged to no nation; though in after-times their descendants vainly sought to affiliate themselves to that of the great German family, who were then in their ascendancy, spreading over a large part of Europe. The songs which they did possess, if they were of any value, would rather prove for them a Scandinavian than a German origin. Dr Lappenberg accounts for this absence of songs by the fact that they were a wandering people, and consequently had

no firesides by which to sing ; but he forgets that in Britain, at any rate, they had been located for nearly one thousand years, and that time is surely enough for such a purpose. The truth seems to be that they had no nationality, and were a people collected from many countries and nations, just the people who—just as they did—would accept whatever laws and literature they found, and adopt—as doubtless they did—the language of the people whose territory they invaded.

In the absence, therefore, of all contemporary notices, and of any older literature or history, we are thrown back upon the documents we possess for any light we may gain ; and we must look to them, and if possible determine from their internal evidence what is their origin and history. Unquestionably the most important to the purpose of this book is the class of literature which is known by the name of the Saxon Codes—a high-sounding title, to which it will be obvious they were not entitled. For even if some of these documents are genuine, after eliminating from them re-enactments, matters purely ecclesiastical, exhortatory matter, and the decisions given in a few special cases, which may or may not have been recorded for precedents, we shall find that the residuum is a poor string of mulcts, with possibly here and there a law which has been borrowed from a neighbouring country—in fact, nothing that is worthy to be named a law, and the whole utterly unworthy the name of Codes.

It will then be necessary to examine carefully the Saxon Chronicles and Histories ; for if these should prove to be genuine, or the reverse, the authen-

ticity or the worthlessness of the laws is better established.

Before we attempt to consider the subject of the Saxon Histories and Chronicles, it is necessary to examine those written during what is popularly termed the Saxon period—which are, in fact, British or Latin works. There are not many of them—Nennius, Gildas, Bede, Asser, and Ethelbert comprise the list.

We have, indeed, but scanty materials from which to derive our historical information from the time of the departure of the Romans to the advent to power of the Normans in the days of Canute. Putting aside Asser's *Life of Alfred* and *Ethelbert* as apocryphal, we have only Nennius, Gildas, and Bede, and their books have come down to us stuffed, like fillets of veal, with Saxon garbage, so that we hardly know which parts to take as genuine. In the literary history of the *Treatise of Marianus* by Pistorius, given to us by Bishop Nicolson, we learn how books were treated by those who ought to have been their jealous preservers, how passage after passage was added by succeeding transcribers, until it became impossible to distinguish the genuine particles from the morbose tumours and excrescences engrafted upon them. Indeed it is nothing unusual with early British writers to take the works of their predecessors, add to them any matter they may think fit, or curtail or abridge them, and then to add their own names as those of the authors. To such a length was this system of plagiarism carried, that even when they did not add their names to the works of others, whole passages and chapters were borrowed without any acknowledgment. Thus Asser's *Life* is



known to us solely through Florence of Worcester having incorporated the whole of it within his Chronicle. Florence again is copied in the same way, without acknowledgment, in Simon of Durham, and Simon himself has shared the same fate. A remarkable instance of the generous mode in which an ancient author may be made to utter the views of his successors is to be found in the "translation" of Orosius, alleged to have been made by Alfred. Readers of that work would suppose from the information it conveys that Orosius, in the year 416, was giving information respecting the ancestors of the Angles of England, but on referring to the original they will find no mention whatever of the Angles or of the old Saxons who figure very boldly in Alfred's edition. A large amount of matter relating to these nations has been quietly inserted in this book—sections 12 to 23, both inclusive, are such interpolations. Other passages have been curtailed and abridged in a remarkable manner. Indeed it is very fortunate that we can collate the work with foreign MSS., so that we can really see how grossly our ancestors have been imposed upon. In all probability, Bede, Nennius, and others of this class have been treated in the same way, so that it is absolutely unsafe to trust any one of them.

The oldest history of Britain that we possess is the "*Historia Britonum*," edited or written by Nennius, and it is probably the foundation of the later romance of Geoffrey of Monmouth—a romance which is not without a certain value, if only for embalming the oldest facts of our history. It is difficult to assign a correct date to Nennius, for we possess no copy of his work which has not plainly been subject to the treatment of the manipulators of Saxon lies. The

best edition we have of it is to be found in the Vatican Library, though unfortunately it has only recently been placed there. This manuscript is declared to be of the 10th century, though the date it exhibits in two places would put it into the 11th, for the date of the arrival of Hengist is twice stated to have been 447 *a passione Christi*, that is, A.D. 480. The date from the passion, and not from the incarnation of our Lord, is rather indicative of an early age, though they were sometimes used indiscriminately. It appears that Dionysius Exargarus was the first writer known to have dated from the incarnation; but this course did not become general until about the 8th century, so that one transcriber of this book must have lived prior to that period. This was not the last transcriber, for he states that from the arrival of the Saxons to his day was 547 years, which would give the year 1027 as the date of the later transcription. He, however, adds that this was done in the fifth year of Edward, which was 945, so that the date of this manuscript can hardly be depended upon.

If, however, we accept the fifth of Edward as correct, and the year of the arrival of the Saxons as 547 years earlier, it would place that event in the year 398, or during the domination of the Romans, and about the period of Caurosus. The "*Notitia utriusque Imperii*" is referred, from certain points of internal evidence, to the interval between A.D. 369 and A.D. 408. The reckoning, therefore, of Mark the Hermit, who is said to be the transcriber of this manuscript, may give the interesting date upon which there is so much doubt and misstatement. This date is twice given by Mark, and is valuable as an index of the place where his interpolations commence. It is first

mentioned at page 18 of Gunn's edition, where a clear interpolation relating to the Saxons is made. In all probability this was the ancient termination of the history, for all subsequent to it is of a much more modern origin. This important interpolation having been made, the subject of the Saxons is dropped, and the British history of Germanus and his dealings with Vortigern is related. This is continued till page 22, when the Saxon narrative is resumed and continued to page 36, when a distinct history of St Patrick is introduced, but not before Mark had again recorded the date of his labours.

In the more modern manuscripts succeeding the history of St Patrick there is a long account of all the pedigrees of all the Saxons, all of course leading up to Wodin. These were not invented until probably the 11th or 12th century, so that of course Mark, writing in the 10th, is happily ignorant of them. This book, which goes by the name of Nennius, is in fact a collection of tracts, probably written by different hands at different periods, the only connection between them being that they all relate to some historical event connected with the British Isles. The first part of this collection, that relating to the early history of Briton, bears evidence of a very early date, and may well have been written between the invasion of Julius Cæsar and that of his successor. There is a tradition that Nennius, a brother of King Lud, was killed by Julius Cæsar himself—a valuable tradition, as it shows that the name was a royal one at that period.

The gist of this history and its greatest interest is in the fact that it gives the oldest account we possess of the tradition that the Britons were descendants

of fugitive Trojans—a tradition that was shared by the Gauls of France in the 4th century.

Since writing the above, the author has read the remarks of Mr Skene in his preface to the “Chronicles of the Picts,” p. 24. He writes: “In the traditions contained in Nennius, and in the interpolations and additions to it is to be found the earliest statements of the legendary annals of the different races who peopled Britain. The original work appeared to have terminated with the kingdom of Northumberland in 547.” (The author regards this as the second or third addition.) “It seems to have been at once adopted by the Britons as the most popular exposition of their early history, and to have been the basis upon which subsequent writers interwove or attached additional matter. It would not be impossible to disentangle it from these interpolations and additions, and to reduce it to what was probably its original form.” This writer is almost the only one of our antiquarians who seems to be aware of the composite character of our early histories, though he appears to attach far too much credit to some of their component parts. To this hour this important work of resolving the histories to their original forms has never been attempted. Until this is properly done by collating them with foreign as well as our own manuscripts, the historian cannot properly begin his work. Mr Skene dates the edition of Nennius 858, and that of Mark the Hermit 882.

There can be little doubt but that Geoffrey of Monmouth founded his Romance upon Nennius, and that this is the ancient history to which he refers. Wherever Geoffrey obtained his information, and however much he may be abused, this distinction will

always attend him, that our greatest poets, Shakespeare and Tennyson, have embalmed his history in immortal verse. So long as the English language is known, so long will Geoffrey's History of King Lear be read and admired; and so long also will the doings of Arthur be sung and glorified. If his story is not true, there is a power of invention in it which is simply wonderful. Whether true or false, no writer has fixed so firmly in the minds of mankind histories so remarkable for power and pathos.

Like Orosius and Nennius, Bede has probably been subjected to the same kind of stuffing, and internal evidence would tend to suggest that all the passages relating to the Saxons should be incontinently rejected. It is doubtful whether Bede had ever heard of these people except as a nation who must be shunned as we ourselves shun sin. This work purports to be an ecclesiastical history, and if the Saxon element be eliminated it is so, but with it it becomes a secular history of England, or rather of the Saxon nation, which Bede abhorred. In fact, so universally has this book been stuffed with the lay history of the Saxons, that its title is no longer fitted for it, and it ought in common decency have had a fresh title forged for it; but possibly this was beyond the daring of the 12th-century literary pirates, Bede's work being too well known, and hence have they left behind them the evidence of their fraud. A very little consideration must satisfy us that every notice of the Saxons which appears in Bede is a forgery, and hence the whole of the pedigrees of the Saxon kings, and all the history relating to them, must be ruthlessly pruned out. Now Bede was writing in the 8th century, and he had the records of

more than two centuries of his own Church to guide him. He was also well versed in the Greek and Latin classics, and he was a profound scholar. The works he has left behind him, if they are truly his, show him to have been a man of almost universal knowledge and of astonishing industry. He must have been a recipient of the learning of the Druids, for where else could he have attained to so intimate a knowledge of the sciences? It is ridiculous to suppose that such a man would lightly entertain mere traditions when they are directly opposed to the learning of the ancients, to which he had access. Nor can we for a moment suppose that he was unacquainted with the meaning of the language in which he wrote, nor can we believe that he would be guilty of obvious anachronisms; and we must come to all these conclusions if we are to believe the accounts of the Saxons, for he has deliberately stated in one place that in his day there were only five distinct nations in Britain—the Angles, the Britons, the Romans, the Picts, and the Scots. Chap. ii. book ii. shows that by the Britons he clearly referred to the Welsh; hence to the Angles and Romans he clearly assigns the whole of England proper. More than this, he states positively that there were only five languages spoken in Britain, the five pertaining to the aforesaid five nations. Yet in another part of his book (lib. v. c. 9) he declares that the English are derived from many nations, enumerating seven of them. Again, if it were not clear that the Saxon people differed from the Angles, it is abundantly clear that they spoke a different language, as the English and Saxon of the 13th century abundantly proves. So, to include the Saxons at all within the history,

the forgers of the Saxon stuffing are driven to the absurd position of making Bede stultify himself by using the terms as convertible; and in more than one instance the term "Angle or Saxon" is used. It is not credible that they could have become confounded in the 7th century, and indeed the book shows that they were living quite separately; for it is related that the greater part of England was English, and that only a small portion, answering probably to the three Saxon shires, was Saxon. Bede well knew the distinction, for whilst he speaks of the English, or Angles, with affection, he mentions the Saxons with loathing, declaring that to join hands with them involved eternal disgrace and infamy in the eyes of posterity (*Op. Hist.*, xiv. 33). Again, in one part of the book the term English Saxons is used, and Dr Latham has fallen into the mistake that this was the first mention of the composite term Anglo-Saxon; but it will be found that this is rather a free translation of the word "Anglos." But if it were genuine, this difficulty would arise, that Anglo-Saxon ought to have been used instead of the word "Angles or Saxons"—an inconsistency which shows that one, if not both, of the terms are forgeries.

It is incredible that Bede, living so near the date, could make the mistakes which appear in his history relative to the history of the Saxons and their entrance into Britain. With regard to the ancient home of the Angles, if we assume that they were the Angles of Tacitus, he is contradicted by all the ancient writers of whom any remains have come down to us, and corroborated by none. He contradicts both Tacitus and Ptolemy as to the cradle of the Angles, so that their notice of the Angles cannot in any way

touch the question, and we may at once, if Bede's account is to be accepted, discard that evidence as inapplicable to the Angles of England. Then as to the date of the advent of the Saxons into England, he contradicts the "Notitia utriusque Imperii," Eutropius, and Prospero Tyro, who wrote A.D. 441—in fact, all the early writers known to us who had written a word concerning the Saxons; and indeed in one part of his book he is made to contradict himself, for after advocating the Hengist and Horsa theory, he refers to the Saxons as fighting with the English twenty years earlier. The question of the true date of the advent of the Saxons is a curious one. Ammianus Marcellinus, writing 364, clearly refers to them as being in England at that date. The "Historia Britonum" gives the date 347, or, if Mark's edition be correct, 380. As we have seen, it is conjectured that the term *a passione Christi* was used by old writers as identical with the incarnation. A Welsh MS. in Jesus Coll., Oxford, gives the year 388 as the era of Vortigern. Adam of Bremen records a tradition that part of the Saxons invaded Britain during the occupation of the Romans, driving them out of it, whilst the other portion settled in Thuringia.

The "Chronicon Scotorum" gives the year 434 as that of the first depredation of the Saxons in Ireland, and certainly some time must have elapsed after their settlement in England before the people could venture over into Ireland.

It is not to be supposed but that in Bede's day many ecclesiastical and other writers had mentioned them, and he must have had access to their writings. Dr Latham, in his "Historical Introduction to an



Elementary English Grammar," alleges that Prospero Tyro contradicts Bede, but he has evidently overlooked the date of the battle of Mold, which precedes by some years the date given by Prospero; and he also erroneously states that he, Bede, has not mentioned the Frisians, having overlooked the passage in book v. Then, again, could Bede be so ignorant of genealogical history as to suppose that all the kings of all the Saxon-English nations were of the same blood? It is well known that the Saxons chose their leaders by lot, and the choice lay between numberless heads of families; to believe, therefore, in these vamped-up pedigrees, is to believe that a people who had not a scrap of literature, not an alphabet, no songs or singers, no means whatever of a literary kind, had actually preserved the evidence of all the genealogies of all the people of their tribes. And this also must be believed, that all the people of these tribes are descended from one man, although he distinctly enumerates the different nations from whom they descended. Besides, is it probable that Bede would take the trouble to give us Saxon pedigrees when he has actually recorded that it was utter contamination to join hands with a Saxon? Hence, as a first crop, all the pedigrees inserted in Bede may be lopped off at once as morbose tumours. How many other particulars relating to the Saxons ought to be lopped off at the same time is a very difficult question, and a task that would require great labour and skill, for it is very difficult to decide upon those which are and which are not additions made by later hands.

We may congratulate ourselves upon the great fact, that in Bede's Ecclesiastical History we possess a real piece of history, and a tolerably accurate his-

tory from the time of St Augustine to his own day. It is probable that Bede has been tampered with, and that matters relating to the Saxons have been added, but it is improbable that this has been done to any great extent, for the simple reason that the greater part that is related is decidedly unfavourable to the Saxons. The result of his historical information may be summed up shortly, in the statement that the men of Kent, to whom he not unnaturally gives the place of honour as the first converts of St Augustine, were Frisians or Danes; that the whole breadth of the western coast of England probably, drawing a line from the Isle of Wight through Leeds to the north, was British, and that the English occupied the remainder of the kingdom, with the small exception of the three Saxon counties. A considerable amount of information may be gleaned concerning the current history of the royal houses of the different countries; but inasmuch as they all commence with the kings who were reigning at the advent of St Augustus, it is clear that this information is gleaned from ecclesiastical records, and not from the works of Gildas, Orosius, and others, who are responsible for the details and the blunders of the earlier portion. Indeed, in one instance Bede directly informs us that he obtained his information from a little book or church register of the Monastery of Berking, from which also he obtained his accounts of the miracles he relates, so that a broad line of demarcation may be drawn between the Christian era and the pagan portion of his history. From the date of St Augustine his authority is very valuable; for facts occurring prior to that period we cannot depend upon Bede, but upon the accuracy of the writers whose works he consulted.

There is one passage which details the number and order of the Bretwaldas of the Isle of Britain, which is obviously an interpolation from the fact that it is not the complete history which it proposes to be, and more than this, does not cover the whole time; besides that, it is utterly improbable that, in the confusion which ensued after the departure of the Romans, any reckoning could take place, or any one monarch amongst the various tribes contending for mastery could really obtain the supremacy. We have clear evidence of the appointment of Pendragons by the British, after the Romans had departed, down to the death of Arthur.

In Bede's own time the Bretwaldas were the kings of Northumbria. Ella, King of the South Saxons, is the first on his list; Cælin, King of the West Saxons, the second; both most unlikely events unless they followed the British mode of the election of a supreme monarch according to superiority of age. Then comes Ethelbert, King of Kent, the contemporary of Redwald, King of the East Angles, and Edwin, King of Northumbria, each of whom, in the order stated, is said to have succeeded to the honour. Ethelbert had married Bertha, daughter of the French king, and Edwin married their daughter whilst in exile—hence the probabilities are in favour of this statement; and certainly the house of Northumberland was most likely to have attained to this honour, though it is difficult to understand why the sovereignty of Mercia, undoubtedly the chief kingdom of England, should have been omitted. The fact that Mercia and Northumbria alternately fought for, and obtained in turn, possession of Lincolnshire, proves their equality,

and disposes of the idea of any real supremacy of one over the other. Northumberland was a great kingdom occupying the whole of the North Umbrian district, including a great part of Scotland, and Mercia was the chief country of England; her great King Penda, and his grandson Wulfhern, and his son Ethelred, oftentimes gaining advantages over the Northumbrians, sometimes slaying their kings. Wulfhern seems to have possessed real power over the kings of Wessex and Sussex, for in 678 he gave the Isle of Wight to the latter, and the year previously he had fought against Kent. Again we find (book iii. c. 8) that that monarch sold the bishopric of London, and so powerful was he that at one time he contemplated the extermination of the Northumbrians, although at his death for a short time his kingdom fell under Northumbrian influence. Again we find the Mercians closely allied with the Britons, as we should expect to find them, if indeed they are the Llogrians of England, and this deduction may be fairly made from the account Bede gives of them.

Bede has deduced the royal house of Kent from Hengist the Dane, from whom, he tells us, many of the British kings were derived; but he has given no intimation of the origin of the Mercians, and we may fairly conclude that they had a different origin. Very curious is his account of the Gewissi or West Saxons, and it has the most suspicious look of an interpolation; the history is broken off suddenly to recount it, and at this point, in one at least of the most ancient MSS., there is a break and a chapter is omitted. And in both the earliest MSS. known to the writer, the two Cotton MSS., chapter xv., which treats of this subject, is treated not as an indepen-

dent chapter, but simply as an appendant united to the previous chapter by a semicolon ; in fact, the history of Wessex has a decidedly bad aspect, nor is much to be gained from it except the fact of the existence of this dynasty, which is something if it may be depended upon. There is great confusion as to the geography of Wessex and Sussex. In one part of the book the Isle of Wight is declared to be opposite to the division of the two countries, and in another opposite to Wessex, which is most probable, seeing that Winchester was its capital.

## CHAPTER XVII.

### THE SAXON CODES—THE DOOMS OF KENT.

**B**EDE prepares us to expect that we may find that even in his day one at any rate of the Saxon kings was sufficiently enlightened to have done something towards codifying the law. For if this passage is not an interpolation, he tells us that Ethelbert, King of Kent, after a Roman model appointed certain laws, with the advice of his wise men; and we possess at this day a certain number of "Dooms" which it is alleged are "those which King Ethelbert established in the days of St Augustine." This description, and especially the reference to St Augustine, would seem to indicate that the Dooms here referred to are identical with those mentioned by Bede; but a cursory glance at them is sufficient to dissipate any hope that may have been excited. Either Bede has been misinformed as to their nature, or these are not the Dooms he referred to, or more probable still, the whole entry is an interpolation; for it must be admitted at once that they bear no sort of likeness to any Roman exemplar extant, and can hardly have had the sanction of St Augustine. On the other hand, unless we come to the conclusion, which is very probable, that they are of earlier and British origin, it is not credible that they could have

been written without priestly aid; for it would be very difficult, probably, to find any but priests of that age who could read or write. There is little doubt that our word clerk, or writer, is derived from cleric, and undoubtedly is etymologically accurate. The Dooms of Ethelbert consist of ninety sections, chiefly containing the fines payable for certain offences, and nothing more; but there are slight references to certain conditions and estates of men, and to other matters which indicate the existence of an independent body of laws, that must have been in existence at the time—laws which are unmistakably British, and which could not have had their origin from any German source; and these references are so curious, that some of them could not have been the work of a forger of a much later period. In all probability they are of a much earlier date. There is a great difficulty in respect to the language of these Dooms. Bede tells us they were written in English, but these are written in the Saxon tongue, which we know very well is entirely different. A doubt, and a very grave one, therefore arises at once as to their authenticity, and we naturally look for some authority as to the state of the MSS. In this we are entirely disappointed; we only discover these laws, and most of the remaining Saxon laws, from one MS. and copies from it of a comparatively modern date. This MS. is said to have been compiled in the days of Ernulphus, Bishop of Rochester, in the 12th century, and no Latin version is known to be extant. And the same observation may be made concerning all the Saxon laws, although some of these copies are said to be as old as the 10th century. But this is the merest conjecture; for every candid Saxon

scholar admits that there is no canon by which the date of Saxon MSS. can be truly known. For although there are what enthusiasts are pleased to call archaic forms of Saxon words, yet these are of so uncertain a standard, that no MS. can positively be attributed to any particular period. We are therefore always in doubt whether the date assigned to any particular copy is the correct one; and this doubt is greatly increased when we see the grave objections which can be brought against the authority of these documents. For the question immediately arises, what could have become of them at the time of the Conquest? Why were they not then produced? William I. (we know) instituted an inquiry concerning the Saxon laws. Why were not these Codes then brought to light? Yet we have no notice of their existence, and no writer of the period has ever mentioned them. Malmesbury denies their very existence, nor does a more careful inspection tend to assist us, for fresh difficulties arise at every step of the investigation. There is very slight internal evidence that the Kentish laws were written for the men of Kent; but the laws of Ina and Alfred, of Edward, Athelstan, Edmund, Edgar, and Ethelred, are clearly written for the English, although in the title of them these monarchs are said to be Kings of the Saxons, yet in the body of the laws no mention is made of that people, and the articles are expressly compiled for the English. Ina and Alfred, as we have seen, had no pretensions whatever to style themselves King of the Angles, and did not do so, although some of their successors might fairly have done so if they had pleased, but in fact they took no title at all. Athelstan very clearly indicates



the bounds of his territories to be conterminous with West Anglia in its largest days, in his law concerning moneyers; and Edgar enumerates his subjects as "English, Danes, and Britons." Ethelred, whose domains were more extensive, ordains his laws "at Woodstock, in the kingdom of the Mercians, according to the laws of the English;" and everywhere evidence that they are not Saxon but English laws, appears. But still greater difficulties exist in the laws of Canute. These also are written in Saxon. Now we know that in his day the clergy had the chief judicial power, and that their language would naturally be Latin; and we know that the Court language of the day was Norman-Latin. Why, then, should Canute write his laws in a tongue which could be only understood by a people whom he and his father had actively endeavoured to exterminate? Surely, if the Danes wished to stamp out the Saxons from amongst the English, they would not endeavour to perpetuate their barbarous tongue.

It makes one almost sick to meet and expose lie after lie, and forgery after forgery. It is almost sufficient to shake one's belief in any fact of history. But, nevertheless, it is the plain duty of those who would write the truth, to scotch a lie wherever it is met with; and the whole body of Saxon literature appears to the writer to be one huge lie, as we shall presently see, when we come to the so-called Saxon Chronicles—the whole of Saxon literature from beginning to end is a forgery. As we have seen, William of Malmesbury unhesitatingly declares, that after a diligent search he was able to say that no record or history of any kind subsequent to the time of Bede was known to exist. This is a direct confirmation of

the supposition the writer ventures humbly to put forward.

How, when, or why were these forgeries perpetrated, it is difficult even to conjecture; but some monk of Saxon blood, trained up in that wretched patois, and insensible to shame, may have conceived the idea of preserving it long after it had ceased to be a spoken language. Or some rich Saxon, who through some accident had survived the Norman Conquest, and had retained his riches, or possibly had made them afterwards, filled with shame at the degraded condition of his ancestors, and desirous to exhibit them in a better light, may have caused these forgeries to be committed. Or it may have been merely a freak of some idle student, who had nothing better to do; and these curious writings having been preserved, came at last innocently to be regarded as authentic by one whose ignorance caused him to be an easy dupe. Those who forged the *Life of Asser* and the *Saxon Chronicle*, may well be charged with having contrived other relics to bear them company. It is necessary, therefore, to examine each document with attention, and to form a fair judgment upon it.

The *Dooms of Æthelbert* are of so poor and meagre a character, that little can be said regarding them; they are little more than a poor string of mulets. But, regarding them as a literary performance, we can only say that they could not have been composed by any ecclesiastic; and this fact is obvious; for the first only of the ninety sections has any reference whatever to the Christian religion, and that in a few weak words fixes the penalties for taking the property or injuring any one of the different orders of the clergy—and at such extra-

vagant rates that St Augustine could not have sanctioned them; in fact, this clause is clearly an addition to the MS., probably of a much later date. It is clear that St Augustine could not have sanctioned that extravagance, so directly opposed to the injunctions of Pope Gregory. To believe it, one must also believe that he set himself up for a Pope, which we know was not the case. The mulcts were as follows:—A simple priest was to be compensated six-fold, and a bishop eleven-fold, whilst the property of the Church was protected by a twelve-fold “bot.” Considering that Ethelbert reigned only nineteen years after he was baptized by St Augustine, it is rather unlikely that the Church could so very soon after its establishment have obtained much riches, or that men had already been found so anxious to rob them; and it is rather unlikely that St Augustine would sanction a scale of fines for the commission of the sin of “laying with females,” according to their rank in life, the bot for the offence committed with a slave being of a very minute amount. But if this principle is un-Christian it is British; and it is in fact a pre-Christian custom. Neither would any Christian code allow the crime of murder to be compounded for by a scale of fines proportioned in the same way. Nor would St Augustine be very particular to take care that the stock in which the bot was to be paid was without blemish; but this was a British regulation. A Law (section 31) provides that in case one lay with the wife of another, he was to pay his wer-geld, which was a purely British law. But there is this addition, which is not British, and most certainly not Christian, though it may be Saxon—that the adulterer was to provide another wife with his

own money and bring her to the other. Fancy St Augustine legislating concerning the purchase of another wife for a married man whose first wife had just gone astray! These Doms are augmented by the Doms of Hlothære, and Eadric, and Wihtræd, kings of the Kentishmen, and make up the whole body of early Saxon Law; for the Doms of Alfred, which are the next in order in the Saxon MSS., are of course nearly 300 years later than those of Ethelbert.

The Doms of Hlothære and Eadric, which purport in their heading to be augmentations of the laws "which their elders had made before them," do not in any way refer to the laws of Ethelbert, which were made some sixty or seventy years previously, nor do their contents in any way assist them. They are very short, comprising sixteen sections, and in two sections only—of all the Kentish laws—are to be found a reference to the people of that country. It must be admitted that these are more worthy to be styled laws than the Laws of Ethelbert, for they are distinct enactments on different subjects. The first four sections apply to the case of murder; the 5th and 7th to stealing; the 6th, 8th, 9th, and 10th, relate to giving security and to suits; 11th, 12th, 13th and 14th, to quarrelling and fighting; the 15th to becoming security for a guest; and the 16th to buying chattels in London, a proof that London was not in a Saxon country. Although the several enactments refer to matters upon which the British had legislated upon the same principles, yet the form in which they appear is rather Norman than British. It is difficult to determine very precisely the exact meaning of the Saxon words, but assuming that they can be

fairly translated, the suspicion arises that the writer was a translator at a much later period than that from which they profess to emanate.

The Laws of Wilttræd might be passed over almost without a remark, for they relate exclusively to the Church, except the last four sections, which, however, arise out of clerical regulations ; but they belong very clearly to a more advanced period in the history of the Church. The title, however, of these laws is of importance, for in a few lines it contains several anachronisms and mistakes, which prove it to be a forgery, whatever might be thought of the laws themselves. It will be seen that the titles of all the Saxon Laws disagree with their contents ; but this one contains a mass of absurdities, proving that the forger, whoever he may have been, must have been either a very ignorant man, or, more likely, that he lived so long after the Saxon times, that such trifles as dates and the names of places and things would be difficult of recovery ; and supposing that he was appropriating to the Saxon reguli certain fragments of English laws, he seems to have been afraid to cut out any statement which he found existing. The title sets out precisely with a statement of the year of the reign of the most clement king (when did any other Saxon king of that day style himself “*mildestan* ?”), the indiction, and the day of a month, Rugern, of which the published menologies take no notice ; and the laws are stated to have been decreed at a deliberative convention of the great men, who (and not the King) decreed with the suffrages of all—Berhtwald, Archbishop of Britain (not the title one would expect to meet with), and Gebmund, Bishop of Rochester, who, on the authority of the Saxon Chronicle, had died three years previ-

ously: indeed, there is grave doubt whether Gebmund was alive when Berhtwald was consecrated. But the greatest blunder of all is the place assigned for the meeting of this assembly—Berghamsted, which is clearly Berkhamstead in Mercia, and not Berham near Canterbury, as has been cleverly insinuated. Why should they meet there instead of Canterbury? The title to this King's Law, and the inconsistent titles of the others, would seem to indicate that the compiler did really take certain ancient documents, which undoubtedly he could discover in their original Latin (so clear is it that Latin was the original language of Saxon Laws, that even so late as the reign of Edgar, 959, no copy of his Law in any other language was known to exist), and added the titles to them, which he must have invented to suit his fancy, or guessed at from want of sufficient data. The absurdity of giving a Christian title to the Laws of Ethelbert has already been pointed out. The error as to the date of the so-called Law of Llothair is also apparent; and the so-called Laws of Wihtræd are, in fact, clerical ordinances of a much later date. The internal evidence which they supply show that the institution of the Church was at their date in a state of decay, which, as it was less than a century old at the alleged date of the document, could hardly be the case.

The last section of the laws of Wihtræd (28) is valuable as showing the dread of the Saxons of the wandering British. A man was compelled to shout or blow a horn if he went off the highway, and if he did neither he was to be accounted a thief, and might be either slain or redeemed. It was also enacted by Ina (20). Surely, Sir Edward Creasy

could not have taken these laws into consideration when jumping at the rash conclusion that the British were wholly exterminated. This law would give a terrible power to the Saxons to hunt out any of their enemies who were lurking about; and it is very valuable proof that for what he did the Saxon required the protection of law, even of so barbarous a law as the present, showing that his position was not above but subject to the law of the country. It is incredible that the Church gave her sanction to this savage enactment; she could not do so even as an equivalent for her own exemption from imposts, or in the hope of stopping the civil warfare which raged between the conflicting nations. As the Spouse of the Holy Ghost, all the enactments of the Church, whether in matters of faith or morals, as they are dictated by the Divine Spirit, must ever be just, holy, and beautiful. The assertion, therefore, that these laws were made by the advice and with the sanction of the Church, deprives them of all credit, and stamps them as a forgery, and a forgery by a forger who was no priest, but by one ignorant of the spirit of ecclesiastical ordinances and law.

## CHAPTER XVIII.

### THE DOOMS OF WESSEX.

WE now pass over a period of nearly 300 years, and in the order of the Saxon MSS. we come to the laws of Alfred the Great.

As we should expect to find, the forger of his life by Asser has placed him as a lawgiver before his predecessor Ina. Ina was certainly not a Saxon by blood, and this may account for his displacement. In all probability he was a descendant of the ancient British kings of the province of Britannia Prima. He began to reign 688, a contemporary of Wihtræd of Kent, some 200 years prior to the reign of Alfred. Probably the reason for putting Alfred's laws prior to Ina's was, that if all that was to be found in them were first attributed to Ina, it would be seen that he, and not Alfred, was entitled to the greatest credit as a lawgiver; for, undoubtedly, both laws are similar in a great number of particulars, the greater part of the laws of Alfred being, in fact, simply a re-enactment of Ina's laws—a fact which proves clearly that these early laws, like the succeeding laws of Edward the Confessor, William I., and Henry I., are not laws at all, but compilations of the laws, whatever may have been their origin, which were in existence in each reign; in other and



more modern phraseology, treatises of law and not codes.

Another difficulty presents itself in the title of Ina's law. The laws are said to have been compiled with the assistance of his Bishop Eorcenwald, who was not his bishop at all, but Bishop of London, 675, several years before Ina came to the throne. This fresh difficulty is singularly corroborative of the idea that these laws were wrongly entitled; and when we learn the fact from Canute's Laws that Mercia had laws of her own, and we can find none, while the Laws of Athelstan are clearly a West Anglian Code, as the names of the places referred to in them most distinctly indicate,—we must be satisfied that the compiler of the Saxon Laws was mistaken in his ideas concerning them, and appropriated them wrongly, as their contents indicate. They are undoubtedly treatises upon the laws of the English, but by whom made it is now apparently impossible to determine. Probably they were all made at the same time, and long after the Norman Conquest, and in all probability belong equally to Mercia and East and West Anglia; in fact, not to the Saxon, but to the English nation. The fragments called the Kent Laws may have belonged to that county, or to any other; but the laws attributed to Ina and Alfred clearly were part of the Common Law. There is a statement in the Laws of Alfred which, like the title, is probably a forgery, and written by the compiler of these fragments, for it fits to them. If we could believe it to be genuine, we should be compelled to believe that these fragments, and no more, were all, or nearly all, that had been enacted—an absolute absurdity, for they manifestly only deal with a few heads. Alfred, after ex-

pressing an absurd fear of the judgment of posterity—as if he legislated for them, and not for the then present day—refers to the laws of Ina and Ethelbert which we possess, and to those of Mercia, which we do not possess,—unless, indeed, the law under discussion belongs to that nation. It is very curious that although Alfred refers to a Mercian Code, and the Laws of Canute contain many references to them, yet we have no Mercian Code *eo nomine*, unless we come to the conclusion that the so-called Saxon Codes are in reality of Mercian origin; and there is this remarkable coincidence in the copies of the so-called Saxon Laws which we possess, that except in the title, which distinctly indicates that they are Saxon, they contain no reference whatever to the Saxons, but that throughout they relate to the Angles, by which name it is not disputed the natives of Mercia were known. Lord M'Kenzie states positively that the Saxons, though divided into many kingdoms, yet were all one in effect, manners, laws, and language; “so that the breaking of their government into many kingdoms, or the re-uniting of these kingdoms into a monarchy, wrought little or no change amongst their several laws. For though we talk of the West-Saxon Law, the Mercian Law, and the Dane Law, whereby the west parts of England, the middle parts, and those of Norfolk and Suffolk and the North were severally governed, yet held they all a uniformity in substance, differing rather in the mulct than in their canons—that is, in the quantities of fines and amercements than in the course and frame of justice.” This is a convenient theory for the purpose of meeting the difficulties attending the discussion of Saxon laws,

but it is hardly a possible one, though it would be going a great way in the direction contended for. But this argument has the misfortune of being based upon the erroneous assumption that the Saxon Codes are what they profess to be.

Assuming the statement in Alfred's Laws to be correct, what do we find? We find that his laws are based upon three distinct sources of law which are there indicated : first, the law of Moses ; second, the laws of the land, or those held by the ancestors of his people ; and thirdly, the laws of the English kings.

The importance of this preamble, if we assume it to be genuine, consists in the direct recognition of the ancient laws of the kingdom, and also of the several codes which had been established in the times of the Saxons. Unfortunately, the modesty of the pious king prevented him from writing down much of his laws ; but still, from what he did write, we obtain important evidence of the character of the ancient laws referred to, which will leave it without doubt that they were the ancient British laws. That this must have been so, is apparent from the fact of their being referred to as the ancient laws, when the Saxon kingdom of Wessex had not been incorporated, very long before the time of Ina, if indeed it did not originate after his decease.

The great similarity between the Codes of Wessex and Kent, which we possess in the laws of Ina and Ethelbert, and the similarity between these Codes and that of Mercia, which we may presume from the fact that Alfred based his Code upon them all, and from what we know of the laws of that country, is a remarkable testimony in favour of the proposi-

tion to prove which this book is written. For if all were not derived from the same source, from whence came their identity? It cannot be pretended that all the people who are known as Mercians, Danes, Saxons, and Angles, came from the same country, or had any affinity with each other; indeed, we know from the clear and incontestable evidence of the Roman historians, that Britain was peopled by a great variety of people before they settled here; and we know from them how many colonies from different parts of Europe they planted in the island. In all probability there were many more distinct races than there are now counties, and this would of itself give a large number of nations. Such a conglomeration of people, unless they had one Common Law to guide them all, must have been subject to an endless variety of separate laws. We know that the Cymri, who at one time covered the whole of Britain, had such a Common Law, for we still possess it in the Laws of Howell. We have a law at this day which we still call our Common Law, though it is not now a Common Law, for it is not common to the United Kingdom. There is no such law as a Common Law of the Saxon nations; but there are several laws distinguished by the names of the reigning monarchs of separate parts of the country. In one of these, Alfred's, we find especial reference to and acknowledgment of the sources from which he had drawn the materials which formed his Code; and amongst these we find not *eo nomine*, but a clear indication that they referred to an ancient Common Law; for in the grandiloquent language of the period, he speaks like the "three tailors of Tooley Street," in the name of all the people of England,

and calls it the law of our forefathers. As he was addressing a people and legislating for a people, the immense majority of whom were of British origin, it is scarcely possible that he could have been alluding to the laws of some distant and even at that very time unknown portion of the globe; he must necessarily have been referring to the laws of the forefathers of the people whom he strove to govern, and he was doubtless glad to be able at the same time to acknowledge his own descent from the same stock.

Looking at the history of the several tribes of Saxons and Danes, then resident in the country, as far as the darkness in which it is enveloped will permit us, it is impossible to suppose that the ancestors of the inhabitants of West Anglia could have had any law in common with the rest of the kingdom, unless it was the ancient Common Law of the British. That it was not Roman Law appears from the facts that there is little Roman Law in it, and that there is no particle of Roman Law in the Laws of Alfred that is not also to be found in the Laws of Howell. From whence, then, was it derived? and how does it happen that there is so striking a similarity between them? The answer is plain and obvious: the hordes who infested England, as did other savage tribes elsewhere, successively adopted the laws they found, and only by that means obtained the government of the country. Hence arises a strong similarity in their separate codes of law. Thence it is that we still possess that strong love of our ancient laws, which in the days of Edward the Confessor we called Danish, and which under the Normans we called Saxon. It was the same law, call it by whatever name it acquired for a time, that the British had inherited from

their primitive ancestors, the most precious legacy of a primeval law.

But seeing that the so-called Saxon Codes do not contain one tithe of the laws they used—that they do refer to other laws which they do not pretend to incorporate, and which were already British laws, and were used by them—we may ask, why did they make these codes at all? and the answer would seem to be, that they did not make them, but that they were the production of a later age and of another generation. Can it be possible that they were concocted for the benefit of William's commissioners, and that they failed in their aim because they were not codes of law as they professed to be, but merely compilations or treatises by private writers of no weight or authority, and were therefore unceremoniously rejected: this supposition must be correct, or they must be compilations of a later period. Let the Professor of Anglo-Saxon, if he can, escape from the horns of this dilemma.

In coming to the conclusion that these laws are not what they pretend to be, it is not necessary to discard their testimony altogether; they possess internal evidence of their own antiquity and authenticity as English laws. They only fail to prove that they belong to the particular kings, and that they are of the specific dates assigned to them. What are their real dates, and from what kings they emanate, it is impossible apparently to determine. But this is clear, that they represent the laws of the English—possibly some of them during the domination of the Saxons, and probably amendments made during that retrogressive and radical period; and as such they are of great value and interest in the history of our Common Law.

## CHAPTER XIX.

THE CODES PROMULGATED BY THE DANES, OR BY THE  
SAXONS WHILST UNDER THEIR VASSALAGE.

NO person can seriously pretend that the laws of Canute were written as they are found in the Saxon MSS. in that language; that in fact they are anything more than a transcript and translation of another and a much later age. But even if this be admitted, still more serious doubts of their authenticity present themselves; for we approach so near to the time of the Conquest (Canute only commencing his reign fifty years before, and ending it within thirty years of that date), that if these laws are genuine, William the Conqueror must have admitted their authenticity as a true exposition of English law. And if there had existed such written laws, there would have been no occasion to issue a commission to ascertain what the laws were; and if indeed so large a body of law as these represent had been then written, it is impossible to come to any other conclusion than that we should possess the original roll, or at any rate an authenticated copy of them, and probably in Latin. But our best authorities are a MS. in the Cotton Library, Tiber., A. 27, apparently of the 13th century, and a small octavo volume in the same Library, Nero, A. i., written at various times,

the Saxon portion of it presumably of the 11th century. How can we on such authority alone be asked to accept these laws as authentic? Any one who had access to the so-called laws of Henry I., to the so-called Saxon laws of the Conqueror or of Edward the Confessor, might well compose for himself the laws which are attributed to his predecessors, although there is strong probability that some of them are genuine laws of some date or other. The title of Canute's law is especially suspicious;—he is styled King of England, a title which was not taken by our Norman kings until long after the Conquest. Indeed at the age of Canute, territorial titles and authority had no existence. They did not exist in the earlier days of feudalism, for in fact they were an offshoot from it. Probably not one of the Norman kings ever styled himself King of England, and it was reserved for the Plantagenets to adopt that title. Henry I. clearly styled himself King of the English. Hence an approximate date may be obtained for the forgery, or rather the composition of these Saxon and Danish laws.

The earliest Danish laws of which we have notice purport to be of the same antiquity as the Saxon laws, with the exception of the laws of Kent (whatever their date may be), that is, they are of the era of Alfred. The first MS. of any value, if not indeed the first in point of date, is styled the North People's Law—probably the people of Norfolk. It is unfortunately to be found only in that suspicious MS., the *Textus Roffensis*, and in a MS. of the 13th century, probably copied from it, which appears to be in private hands. These laws contain little in common with the British or Saxon; and indeed the only



reference in them to foreign law at all is to the Mercian. This fragment, for it is nothing more, relates exclusively to the subject of "wer;" and, as we should expect, the "wer" is calculated in thrymas; it is of value, however, as it proves that the Danes, when settled in England, adopted British laws and customs.

Provision is made in these laws for the Welsh, a certain proof that in Alfred's time the Welsh were still settled in and about Norfolk and Suffolk. A Welshman is valued according to whether he paid the king's gafol—that would be the tunc pound of his native country; if he did not pay so much, his wer was less. The Bonedigg is also provided for, as one who had no land and yet was a freeman. If the British and the British laws were not existing in the midland counties, how came the ruler of Norfolk to legislate concerning them?

A ceorlish man who had five hides of land for the king's utware, had the same wer as the thane; a certain proof that the savage nations had elevated the people, or rather had brought down the nobles to their level, as it also showed that they were entrusted with arms, the utware of the Danes being clearly their military service, or landwere. The fact that a ceorl was allowed arms is expressly stated; for one who had a helm and coat of arms, and a sword ornamented with gold, was still a ceorl if he had not land. By the same law, another MS. states, that such a person was sitheund, that is, of a thane's rank; but, rather in contradiction, adds, that if the sons and grandsons of such a man acquired land, their successors should be of the sitheund race, and be paid for with 2000 thrymas, which was the pay-

ment for a thane. If this be intended to defer thaneship till the fourth in descent of those who acquire land, it is precisely the British law of propriety, and it is conceived that it can have no other meaning; so that incidentally we learn that the British land laws prevailed even in East Anglia amongst the Danes. It is from little notices of this sort, and not from direct enactments, that we gain a certain knowledge of the laws of the period. It has been complained that the Saxon Codes were not in reality codes of law, but merely a collection of a few arbitrary rules. Would it not be nearer the truth to say, that the Saxon and Danish monarchs did not promulgate complete codes because there was no need for them, for they had the Common Law, which was well understood by all the people? If we take this view, we shall see that all that their laws did was to do what was wanted,—to alter or clear up doubts regarding the Common Law; and that this must have been the object of Danish and Saxon legislation is clear from the internal evidence supplied by the laws themselves. A great portion of them consisted of a variety of mulcts, which it was necessary to enumerate, because of the changes which had taken place in the value of money; and as the crimes were well known and defined, little was said about them. The Saxon Laws show an utter absence of invention even in these matters; for the very framework of the British Laws is preserved, and only the mulcts are readjusted. And so with regard to the other subjects of legislation; there is nothing new enacted; all that is done is to alter some one rule of a well-known custom. If the system of user, of suretyship, of tenure, or of any other of the numerous matters to

which these laws referred, had been newly enacted, we should have found laws enacted much more elaborately, and details given by which to direct the judges. But in many instances it is only by an indirect reference, sometimes very obscurely, by which we can at all understand the system to which the enactment relates. Such references have been puzzles to those who have endeavoured to find in German institutions a solution of them. These considerations must bring home conviction to the mind of every unprejudiced thinker, that the theory of this work is correct, and that the history of our Common Law is to be found in the history of our country, and of the people who first settled in these islands.

We are so very much in the dark as to the Danish occupation of England,—they having, at any rate until the time of Alfred, remained in their heathendom, and consequently, unlike the Saxons, having had no priests to write for them,—that we hardly know to what monarch to impute the pact between Alfred and Guthram, and Edward and Guthram. The Guthram who was said to have been converted to Christianity by Alfred in 878, when it is alleged that he was worsted in battle,—though rather the contrary would appear from the context, as he remained in his own quarters, and continued to receive tribute from Alfred,—could not have been the Guthram who afterwards covenanted with Edward the Elder, as he was not king till 901, and Guthram the first-mentioned died in 891. The Guthram, therefore, who as monarch of the East Angles concluded a peace or pact with Edward the Elder as king of the West Angles, must have been a descendant or

successor of the first-named. Hence we are able positively to ascertain to whom the territory adjoining Alfred's dominions belonged. From the boundaries mentioned in the pact between Alfred and Guthram I.—the Thames, the Lea, Bedford, the Ouse, and Watling Street,—we can give a very good guess as to the division line between the East and West Angles; and looking at the large portion of the country they inhabited,—bordering upon the Kentish men and the South Saxons on the south, the West Angles and Mercia on the west, and probably holding the greater part of the northern counties, at any rate the eastern coasts of Lincolnshire and Yorkshire,—we see at a glance the power they would have over the West Angles; and we are not surprised at the frequency and rapidity of their raids, running down even to Dorset and Devon, where doubtless they were met by their ships, and so easily overrunning a territory the inhabitants of which were inimical to Saxon rule, and were, indeed, like the inhabitants of the whole of the western range of the kingdom, chiefly of British blood. Alfred's dominions were, therefore, always at their mercy, and we know how frequently that monarch found it anything but tender. There is some probability in the authenticity of these documents, since they tell so strongly against the Saxons and the elevated ideas of their admirers. With our knowledge of these facts, we can only be astounded at the impudence of those so-called historians who wrote of Saxon supremacy. The Danes alone, on the decline of the Carlovingian Empire, were supreme in the kingdom; the Saxons only occupied their narrow territories in subjection to them. Alfred died king of Wessex, and, as these pacts show, his son

and successor only inherited his dominions, and continued upon the same terms of subjection to the Danes; and Edward was in truth not monarch of England, but what Florence of Worcester called Cenred,—his ancestor, a sub-regulus under Guthram his lord. But this is not the only fact of value that we learn; for if these fragments are genuine, we learn many others. We learn that although the monarchs were Christian, the people were not, a fact easily credited; and that these Christian monarchs felt the difficulty of making people obey the precepts of Christianity, or indeed of any laws; and therefore went so far as to incorporate them bodily in their law, and to establish a “bot” in common for the Church and the King; for they knew else that few men would submit to the terror of a spiritual “bot.” We can hardly believe that this extraordinary power was thus conferred upon the clergy, who dispensed the laws through the whole dominions of the Danes and the Saxons; but it would account for the extraordinary power of the bishops in the County Court, and perhaps for their presence there—a presence which continued omnipotent until William the Conqueror confined them once more to their ecclesiastical limits. Probably in the early ages, after the introduction of Christianity into this country, the clergy, notwithstanding this encroachment upon the civil power, had little real influence; and it would not happen that they would be tempted to abuse it till a later period, when the power and wealth of the Church had increased, and when doubtless some among them made full use of their secular authority. The first law enacted on their part shows the desire on the part of the clergy to obtain secular power.

It was enacted that church grith, or the right of sanctuary, should be as strong within the walls of the Church as the King's handgrith, and stand equally inviolate; and if any one violated Christianity or revered heathendom, he paid wer as well as wite; and even a man in orders was subject to the same law, and if he did wrong was bound to find borh, or security, or he was to yield to prison. Every one was zealously to further all God's dues by God's money, and by the wites which the Witan had annexed thereto. Wites were payable for withholding tithes, or Rome-feoh, or light-scot, or plough-almes, or any divine dues. So penalties were affixed for working or marketing on Sundays, or breaking fasts. Diviners, perjurers, or morth-wakers, and notorious adulteresses, were to be driven from the land, or destroyed within it.

If any wrong was done to an ecclesiastic or foreigner, as to money or life, "bot" was to be straitly made, and the king among the people was to avenge the deed very deeply.

Can we believe that these astounding laws were submitted to by the free English and Danes, the successors of the free Britons, and that those unhappy Britons who survived were compelled to submit to them? Such arrogance and lofty pretensions have never been put forward by the Church, and we cannot credit that this document is valid; although we know that at this period the Britons had a high character at Rome for sanctity, and indeed our country was esteemed an island of saints. It has been conjectured that the feoh called Rome-feoh was a payment towards the expenses of the English College of Rome; and no doubt the British con-

tributed to the support of that institution ; but Rome-feoh, as other documents prove beyond doubt, was simply Peter's pence, which even then the Popes of Rome deigned to receive from their followers.

If the word of the bishop was to be law, excepting a scale of punishment and wites, there would be no occasion for further laws ; and accordingly, in this wonderful pact none are to be found, except a method of ascertaining the amount of a wer-geld (which was to be the standard payment for every violation of Christianity, according to the doom of the bishop), and regulations for securing its payment.

Do these instances of clerical usurpation give the key to the author of the Saxon Laws? Could some intolerant churchman of the period of the Conquest have dared to invent them, in order to make better terms with the Conqueror for the Church or the people? Or are they not more probably of a later date, and have emanated at the time of King John, when priestly power in this country had reached its highest pinnacle, and when even the Crown was proudly trodden under foot? Surely these are points of sufficient importance, and, one would think, of interest, to which our modern historians might devote themselves, rather than to the parricidal task of annihilating our forefathers.

But if we are to assume the truth of these laws, we are met by the consideration that this was the boasted age of freedom, which all Britons, the freest people in the world, are taught to reverence ; an age—if described in the language of the present—of bigotry and priestly intolerance. The records of the period are too obscure to inform us whether it was tolerated or objected to, though certain hints in William the

Conqueror's time would favour the latter supposition. But we do not know of any revolt; and we must therefore believe that the priests did not abuse their power, but governed righteously according to the precepts of Christianity. If, indeed, we could think their rule possible in a world which we know is not of God's kingdom, we could only desire that it should be restored; but we know it is impossible to combine Church and State so completely as was here attempted.

The preamble to the laws of Athelstan would lead us to infer that the age of sanctity was continued at any rate to his day; for the first time in British history are laws enacted without the authority of the Witangemot.

As we should expect from reading the pact between the East and West Angles, King Athelstan enacted his laws only by the advice of "Wulfhelm, Archbishop, and of my other bishops." Assuming the authenticity of these laws, we learn that Alfred had the counsel of the Witan, and acted upon their advice. Ina had, according to British precedent, consulted all "his Ealdermen and the most distinguished Witan of his people." Wihtræd assembled a "deliberative convention of the great men," almost the British description of a Witan. Ethelbert, we know, according to Bede, enacted his laws,—"*cum consilio sapientium*;" and though they are referred to the days of Augustine, it does not appear that they were established without the authority of the elders of the country; and the presumption to be drawn from the practice of Wihtræd favours the supposition that these constituted means were not dispensed with. So that we find that under Athelstan, for the



first time, laws are enacted without any secular authority. British freedom would appear to be asleep. Is it not rather probable, that for this portion of the Saxon laws we are indebted entirely to the imagination of their composer?

Athelstan held one great council at Greatanleam, for his Hampshire dominions, another at Faversham for Kent, in which especial reference is made to the laws enacted at Greatanleam. The same laws were re-enacted at Exeter, probably for the parts of Devon and Dorset held by Athelstan, and at Duresfeld for Surrey; so that it is obvious that Athelstan held his several dominions separately, and had a separate government for each. It had been erroneously supposed that the Witan at each of these places legislated for the whole of his dominions; but a careful perusal of the laws enacted at each, will show that it was not so. The preamble of the "*Judicia Civitatis Lundoniæ*," rather militates against the idea that Athelstan had any jurisdiction within it, except a personal one over the several gilds of Saxons who might be residing there. It is called the "Ordinance which the Bishops and Reeves belonging to London have ordained;" and, as we should suppose, "the Bishops, &c., of London," evidently refers to a mere section of them; and from the wording of the laws, they appear to have been enacted by the parties themselves, and not by the king for them. But the extent of the dominions of Athelstan may be fairly ascertained by his law regarding moneyers. It was ordained, that there should be one money over all the king's dominions, and the number was fixed in each of the towns. Kent had ten; Canterbury, as the chief town, had seven (four

of the king's, two of the bishop's, and one abbot's); Rochester three (two of the king's, and one of the bishop's). Athelstan must have had a portion of London within his dominions, for he had eight moneyers there; at Winchester he had eight; at Lewes two; at Hastings one, and another at Chichester; at Hampton two; at Wareham two, Exeter two, and Shaftesbury two, and one other elsewhere; so that he had part of London, all Kent, Sussex, Hants, Dorset, and part of Devon. This law disposes of the follies of the admirers of the Saxon dynasty, who have magnified his power, and made him veritable King of England. We may judge of the piety of Athelstan, and of the influence of the clergy, when we find in the dedication of his laws enacted for the preservation of the peace of Kent, the following:—"Precamur Domine misericordiam tuam si in hoc scripto alterutrum set vel nimis vel minus, ut hoc emendari jubeas secundum velle tuum. Et nos devote parati sumus ad omnia quæ nobis præcipere velis quæ unquam aliquatenus implere valeamus."

In the Ordinance respecting the Dunsætas, or people of Devonshire, which was probably of the date of Athelstan, we have a most valuable record, proving that the Britons still continued in possession of the West of England down to the date 978-1016. Malmesbury (*De Gestis Reg. Angl.* 11-6), states that Athelstan established the Wye as a boundary between the Angles and Britons, and this is rashly conjectured to be the stream referred to in this document. Reference is also made to the Wentsætas as formerly belonging to the Britons, though these more properly belonged to the West Anglians. For this portion of the territory they were to give tribute and hostages; from

which it may be inferred, that they gave none for the Dunsætas, but treated with the Angles as an independent nation. This assertion of the right of West Anglia to the Wentsætas corroborates the theory that the Saxons were in possession of West Anglia by right and not by conquest.

It is important to observe that this Ordinance purports that it was established by the joint action of the Witan of the Angles and the Counsellors of the Wealh nation, so that upon the face of it the existence of the Wealhs as a nation is affirmed.

King Athelstan's laws are directed to the bishops and reeves, and as we should expect, from the advice he was likely to receive, first of all concern themselves with the important matters of tithe, church-scott and soul-scots; and plough-alms; and every reeve was directed to do certain acts of charity under penalty of a wite, to be distributed to the poor, the charity to be drawn from two of the king's farms in each reeveship.

The position of Edgar with regard to the Danes may be judged from the following extract from his laws:—"I will that secular rights should stand amongst the Danes with as good laws as they best might choose; but with the English, let that stand which I and my Witan have added to the dooms of my forefathers, for the behoof of all the people, the Ordinance to be common to all the people, whether English, Danes, Britons, on every side of my dominions." And again:—"Then will I that with the Danes such good laws stand as they best may choose, and as I have ever permitted to them, and I will permit so long as life shall last me, for your fidelity which you have ever shown me; and

this I desire, that this one law (concerning the inquiry into theft) be common to us all, for security and peace to all the people."

Whether this law was addressed to the Danes within Edgar's dominions, or to those who had sworn fealty to him, it is clear that he did not in any way attempt to legislate for these, or impose any laws upon them; only he desired them to agree to this particular law,—a very wide difference between sovereignty and allegiance. It amounts simply to nothing at all, but the document proves that he had Britons under his sway, and indeed he speaks as if his people were composed of all the nations he enumerates.

From the articles of peace and agreement made by Ethelred with Olav, King of Norway, Justin and Gethamund, Stegita's sons, we may form a judgment regarding the tottering condition of the Saxon power. It recites how poor, weak Ethelred permitted his bishop and aldermen, who ruled over the part of the kingdom attacked by the army under these princes, to buy peace from them, and how they farther covenanted to protect the Saxons from the rest of their countrymen if they should attack them,—the unhappy Saxons undertaking to find meal and lodging for the army, in all probability a mere roving expedition, and not the army of the resident Danes. This document tells so fearfully against the Saxons, that it may be presumed to be correct; and if so, it gives us hope that others may be of equal authority, although, as they are translated into Saxon, they would necessarily seem to be of a subsequent date.

We should be glad indeed to prove the authenticity of the laws of Canute, for they promise a fund of

internal evidence of the highest extent and value. As we have seen, the Saxon laws (with the exception of the clerical portion of them, which, without hesitation, may be assigned to a much later date) are merely meagre rules, affecting special cases and not in any way can they be called laws. But the laws of Canute, whether they are spurious or genuine, exhibit an enlightened spirit of equity, which it is very refreshing to meet with. If they be genuine, the great Dane should be elevated to a higher pedestal amongst our national heroes than an ungrateful country has accorded to him.

Canute, after re-enacting *in ipsissimus verbis*, as his predecessors, the Saxon law, regarding Romefeoh, and respecting its being payable at St Peter's Day, thus opens in these words, which ought to govern our own legislators:—"That just laws be established, and every unjust law carefully suppressed, and that every injustice be weeded out and rooted up with all possible diligence from this country. And let God's justice be exalted. Thenceforth let every man, both poor and rich, be esteemed worthy of folk-right, and let just dooms be doomed to him."

Upon these sublime principles began the first monarch of all England to govern the people, and this is the true date of the Norman Conquest. Up to this time, ever since the departure of the Romans, submission to foreign governments, anarchy, and civil wars had almost continually prevailed. If there were periods of rest, when the combatants of one portion of the country were worn out with fighting, they were but of short duration, and quickly gave way to insurrections, or to fresh violence from the people of another. The Saxons, although they had numerous

colonies in a few of the southern counties of England, never gained any real hold upon the country, and were always in a minority amongst the British. The northernmost limits were washed by the Thames, and the Wye washed the west; and they only possessed the greater portion of that section of England in common with the British. East Anglia they never possessed, Essex being their easternmost possession, whilst their really western Province only extended to part of Hampshire. How they ever became settled in West Anglia is utterly a mystery. In this county, whatever their title, they only possessed a feeble interest. Alfred the Great wandered through it as a vagabond, and only held it at the will of the Danes. Until he persuaded them to become Christians, and to respect treaties, he had no peace and no power within it.

The British always held the west of England, from the northernmost part of the country to the extreme south; and from these portions of England, though eventually subdued by Norman steel, the British were never expelled; and to this day the native population of Northumberland, Cumberland, Westmoreland, Lancashire, the West Riding of York, Chester, Hereford, Worcester, Stafford, Gloucester, Cornwall, Devon, Somerset, Wilts, and Dorset, and probably several others of the Midland counties, are as truly British as in the days of Cæsar. Of course they have all received an intermixture of the blood of the neighbouring counties; but they have returned the compliment, and they have mingled their own blood with them in an equal or even a greater degree; for the western portions of the kingdom were always the most thickly populated,

and have spread over more land than their enemies have covered. And if we look at the Eastern counties, from Norfolk, Suffolk, and Cambridge, upwards through Lincolnshire, Notts, Yorkshire, Durham, and Northumberland, we certainly meet with traces of the Danes. In fact, the whole eastern coast of England and Scotland was purely Danish, and was being continually recruited by fresh batches of Normans from Norway and Sweden, from Denmark and the islands adjacent—a bold, hardy people, savage and warlike as the Saxons, but far nobler than they, inasmuch as they possessed traditions and history, laws, and liberty—of a wild kind truly—but still of a free and noble nature.

It is no wonder that the Saxons failed to establish themselves in England, wedged in as they were between the Danes and the Britons, continually harassed and undermined by the Britons who lived amongst them, and from without by their neighbours the Danes; and we are not surprised to find therefore that they gradually succumbed. The subtle, intellectual, and brave, though disunited Britons, contributed doubtless in no small degree to assist the iron hand of the Norsemen to crush them; and doubtless they rejoiced greatly when they secured a change of masters; for, at any rate, from the Danes they obtained terms of equality, and this is—notwithstanding their boasted freedom—more than they ever obtained from the Saxons. The wretched attempted massacre of St Brice was the natural consequence of their shattered condition. As they felt power slipping from their grasp, the Saxons naturally strove by any means to retain it; they were a people who were only a conglomeration of the scum of the Continent; who had no

traditions, no history, no language of their own, and no laws or liberty, who naturally were not possessed of any feelings of honour ; and their adoption of Christianity had a deep political meaning. Probably it was the engine by which Charlemagne extended his power over them. For though we cannot credit all the so-called ecclesiastical ordinances of the age, we can believe in a great influence ; and doubtless the Saxons found in Christianity a means of retaining, for a time, their languishing power, and they did not scruple to use it, or rather to prostitute it, to their ends—in fact, they lived and governed through the Church ; and the people, who were emerging from the bonds of their slavery, found themselves fettered afresh by ecclesiastical governors. No wonder so holy a government did not last ; a government which occupied itself chiefly with the payment of tithes, the observance of the Sabbath and of fasts, and the prosecution of men guilty of incontinence, could find plenty of occupation, but it could not hope permanently to establish itself. The Church is not of this world, and it cannot hope by force to make all men conform to its precepts. Thus, although the bishops might have supplanted the bailiffs, and occupied themselves in their work, and so for a time bolstered up the waning power of the Saxons, that time was necessarily limited ; and when they fell under the avenging hands of the conquering Danes, no wonder that they were nearly exterminated. The Chronicles state that every male adult was slain, and this, probably, was not very far from the truth ; for were it not so we should possess better evidence of their existence—and of the existence of Saxons after the Danish conquest we have none. In the Berkeley and other



noble families still dominant in England we have direct descendants of Danish nobility, as we have many instances of British; but we cannot point with any confidence to such descendants of the Saxons.

Canute was the first monarch in Britain since the departure of the Romans who ruled with a strong hand; and Canute was strong and merciful. Without in any way degrading the clergy, or depriving them of their rightful privileges, he took up the government into his own hand, and established his kingdom upon principles which would secure the allegiance of the Britons as well as that of his own people; he ruled upon terms of perfect equality. Canute was a wise king and a great man, and he deserves in our histories a far higher pinnacle than he has yet obtained. In most respects he confirmed the Saxon laws, or rather those laws which during their supremacy had been decreed by the Church. And, as we have seen, they had to be re-enacted in every kingdom formerly held by the Saxons. In all probability they were also promulgated afresh in those counties which had always remained under Danish control.

It is unnecessary to proceed further with this investigation. It is hardly worth consideration who was the author of the so-called codes of Edward the Confessor, William the Conqueror, and Henry I.; no one can pretend that they are genuine, for they are obviously compositions of a very much later date, gathered from all sorts of places and sources, and their only value is to prove, as they tend to prove, that William the Conqueror made no alteration in our laws. That each of these kings granted a charter, similar probably to the great charters of King John and Henry III., is more than probable; but it is

highly improbable that they granted any charters so full of enactments as those. Indeed, there is evidence that John granted something to his barons which they had not possessed before; if this were not so (and his charter was but a repetition of them), then the great achievements of Runnymede dwindle to nothing. If, then, the most modern of the ancient codes which we possess must be given up without a struggle, what possible reliance can be placed upon the older documents? That they all contain some germs of truth we know, but that they were ever promulgated as codes we cannot believe; and hence, failing in their credit as codes, we do not know what portion of them is attributable to imagination and what is really genuine.

Bracton, writing 1230, gives positive evidence against them. He writes:—"Fere in omnibus regionibus utantur legibus et jure scripto; sola Anglia usa est ut in suis finibus jure non scripto et consuetudine."

This disposes of the so-called laws of William the Conqueror and Henry I.; indeed, the latter are obviously the work of a writer a century later, who is writing a history, and not a code, of English law, for the benefit of those who admired the Saxon times. A writer in the *Law Magazine* for February 1871, who has reproduced the arguments of Mr Thorpe without any acknowledgment, attributes this production, with good reason, to one Alexander de Swerford, a canon of St Paul's, who was appointed to the charge of the Records of the Exchequer, 18 Henry III., and who was undoubtedly the author of this collection.

The opinions of some of our best-known writers as

to the value of the laws of Edward the Confessor may fairly conclude this review of them. Spelman, referring especially to the laws of the Confessor, says that they are not without many mixtures of somewhat later transcribers (Spelman on Tithes, 224). Tyrrel, "*History of England*," vol. vi. p. 103, says, The laws which bear the name of Edward the Confessor are not properly so, because many of them were made long before his time; and there are so many things in the Latin original which are rather explanations of laws than laws themselves, that they more truly seemed to have been collected and written by some ignorant sciolist or pretender about Henry I.'s time. Dr Brady, "*General Preface*," p. 30, thus castigates the pretender whose composition it has been the object of this portion of the book to expose:—"What King Edward's laws were it is hard to know. Those put forth under his name were none of his. They are an incoherent farce and mixture, and a heap of nonsense put together by some unskilful bishop, monk, or clerk many years after his death, to serve the ends and designs of the present time." Why a clerical personage should be pounced upon by the worthy Doctor instead of a lay forger it is difficult to say. The work shows that if it was done by a cleric he was at any rate a very ignorant one, and it would rather appear that this little sarcasm against the Church is a mere invention—without any grounds of justification.

## CHAPTER XX.

### SAXON CHARTERS AND WILLS.

THE question as to the authenticity of "original" Saxon charters, wills, &c., is fortunately not one of very great importance; for there is very little information contained in these documents, and nothing but what we know from other and better sources.

The learned antiquary Spelman, with all his veneration for Saxon institutions, is forced by truth to admit that he "had never seen an original deed of the Saxon period. Copies and constats there be of them abundantly in Abbey books, and many extant in printed authors;" and Mr Kemble, in his great work upon Saxon charters, is ominously silent as to original charters. Looking generally over his list of authorities, we find that, in immensely the greater part of them, they are merely transcripts from ancient MSS. and chartularies. Indeed, in the face of the evidence of Spelman and others, it would be mere folly to pretend to set up anything more than copies or extracts.

Mr Joseph Hunter considers it to be clear that we have no proof of any Saxon pedigree except the name of the last owner, which was to be derived from Domesday. He writes: "The reign of the Confessor is the earliest period at which we are admitted to much knowledge of the state of the

rural districts of England prior to the Conquest, and it is to the survey of Domesday that we owe the knowledge. The Domesday Saxon proprietor is usually the only one whose name has been preserved. Whoever attempts to recover other names, to say nothing of deeds done by them, must admit that in topographical researches it is a terminus beyond which is utter oblivion, proof against the most arduous search for evidence;" and against this opinion it is difficult to appeal. Yet, if we can believe Kemble and other supporters of Saxon institutions and literature, all this is a mistake, and we possess a most ample fund of information. It had been reserved for these writers to discover and to determine upon the authenticity of an infinite variety and a great multitude of those documents. Mr Kemble's own work is not without a certain value, as it may be a guard against future "discoveries;" for there is little doubt but that the supply of "original documents" of this description will always equal the demand. Some time after the Reformation, when men began to see the mischief likely to arise from the destruction of the great Abbey libraries, these things acquired an undue importance; and so great was the desire of certain collectors to obtain them, that unquestionably they were manufactured wholesale. Any one who would devote the time and labour necessary to sift the evidence, and inform us of the history of this unfortunate period of the discovery of Saxon literature, would do great service to the legal, if not to the general public; for their manufacturers were clever men, and many of them knew much more about the peculiarities of ancient MSS. than their too-willing

dupes. Indeed, the greater part of the knowledge of these collectors was obtained from the manufacturers; and it is by their practice and observation that men presume to determine the question of the authenticity of particular documents.

Owing to the forgeries of these men, the question of the validity of the Saxon charters is attended with the very greatest difficulty, and we can only argue from positive facts to mere probabilities.

First, It is quite clear that, except as transcripts, no Norman documents of the kind exist of an older date than the reign of Richard I.

There are fines, plea rolls, close and patent rolls, &c., from that date, but none prior thereto, and the only record of any Saxon documents is from enrolments.

Why these deeds and charters were enrolled does not very clearly appear. Perhaps it was for the sake of the fines and fees which might be exacted upon such enrolment. Sometimes it was upon some such excuse as that the Great Seal was lost, as in John's reign. This, it must be confessed, appears to be but a very bad omen in favour of their validity; for it is obvious that it gave the religious houses, which chiefly enrolled these charters, an opportunity of forging fresh deeds, of which in many cases it is known they did not hesitate to avail themselves. Still, the very fact that such enrolments were ordered, shows that it was known and admitted that such charters existed; and we cannot suppose that all were forged, though such deeds as those dated 606 and thereabouts can hardly be supposed to be good. And therefore the enrolments of those deeds, or some of them, may afford evidence for the student

to decide positively upon the date of the translator of Asser, and so, approximately, of the date of the Chronicle; but it is clear that this work has yet to be performed. One pertinent observation may be made from a perusal of the documents themselves, that, whether true or false, they bear an unmistakable mark of a Roman or ecclesiastical origin; Mr Kemble admits this. We need not be surprised at this, for we know that throughout Europe, and, at any rate, where the Catholic Church sent her priesthood, the body of the *Lex Romana*, or Roman system of rights, privileges, immunities, and duties prevailed, and their documentary dispositions were universally adopted, though varied, doubtless, by the peculiarities of different nationalities. Aldhelm (*Epistolata*, vid. *What. Aug. Soc.* ii. 6) writes as to the time and pains it cost him to acquire it; and Wilfred of York was celebrated for his knowledge of Roman law.

It may be laid down universally that the predominance of Roman and ecclesiastical forms were in direct proportion to the influence of the clergy upon a nation, and it must be remembered that the Roman Church took deep root in these islands. The Anglo-Saxons were in closer connection with Rome than with France, and even than France was with Rome herself. Hence the peculiarly Roman form of the legal documents is only to be expected.

The Saxon charters are written almost invariably in the same order. First comes the invocation, evidence of a clerical origin. If it is omitted, it is argued that the document is either mutilated or forged, for of course every Saxon was a true Christian. Any forger, doubtless, would take care to

avoid the blasphemy of an imputation of Paganism. Next follows the proem. Prior to the 10th century (as if deeds were then necessary), the proem is found very simple. The manufacturing gentleman would be very cautious on this point. Perhaps it is in order to make the chances of detection less easy; but it is a fact that in all Saxon documents there is no special form adopted. With the Franks, the Italians, and Normans, who were always considered to have been more intellectual and much better educated, a more precise form prevails. It is difficult, therefore, to account for their variety, certainly the very reverse of what we should expect. Kemble thinks it is because the Saxons had no Chancery; but if not, they certainly had Chancellors, that is, priests of the court; and the late George Spence would seem to lead us to the conclusion that some of the later Saxon Kings had Chanceries, though the point is by no means clear. But inasmuch as the Saxon clergy were undoubtedly the only educated people amongst them, we should naturally expect to find a much greater uniformity. Another canon for the determination of this work we learn from Kemble is, that Greek words found in Saxon charters is strong evidence of forgery. Considering that Saxon charters must have been founded upon Saxon laws, which in fact were British laws, and that they bristle with Greek terms, we should think this conclusion must be confined to certain classes of words only. The grant followed, which was in every variation possible. Then followed the sanction commonly called the "si quis" clause, which was taken from the Roman law, and was exclusively clerical in its nature—further proof of the clerical



origin of the documents—for if they had been drawn up by laymen, they might have adopted the Roman form of interdiction against violation; they would more probably follow the precedents of imperial sanction—a distinction probably unknown to our native manufacturers.

And as if to ensure another precaution against the detection of these inventions, the Saxon charters do not indulge in dates. We, therefore, have only the names of kings or princes by which to arrive at an approximate date. But inasmuch as many of the names of those kings are mythic; many names common to England and Germany, between whom, as we have seen, there was nothing in common; and many kings are only heard of in these same charters, a very large number of them may be summarily disposed of. But as the manufacturers have very frequently adhered to genuine names (few of their customers probably being epicurean or daring enough to demand a great change), it is very difficult to determine which, if any, of the residuum are of genuine origin.

The teste, or rather its absence, is also a test of authenticity. The Saxons had no class of notaries to authenticate documents by their signatures, as had the Romans, the Ostrogoths, the French, and those nations, the details of whose civilisation appear to have been directly derived from Rome, and therefore we possess no sort of official test of this nature. The deeds are not even crossed by the signers.

Kemble tells us that the clergy of the highest rank acted as the conveyancers of that day. Amongst the charters which we possess are some which we owe to men famous in ecclesiastical history (facts probably

equally well known to the manufacturers). These men, the simple, confiding Kemble tells us, "positively state themselves to have dictated such and such instruments, nay, sometimes to have written them *proprio digitorum articulis*. We may instance Bishop Edalwald, Dunstan, whilst Abbot of Glastonbury, &c." Kemble also tells us that the Normans in these early charters granted privileges and immunities to Saxons in words which they did not understand, and which they could not even spell; and he further adds, "that these words (probably they even passed the comprehension of the manufacturers) do not occur in any authentic Saxon documents previous to the time of Edward the Confessor;" another confirmation of the theory that the Saxon was not a written language until after the Saxon supremacy, if it ever existed, had terminated.

Saxon documents happily have no seals to bewilder us, though some enthusiasts have gone so far as to create coats-of-arms for their several royal houses, and special coats for some of the most renowned amongst them, notwithstanding the fact that such insignia were not invented till some centuries afterwards. This absence of seals is strongly against the authenticity of these documents, for there is little doubt that the British used seals in their documents respecting land much earlier than the 10th century, as the Laws of Howell conclusively prove (Venedotian Code, B. i. c. 8. s. 10), and in all probability the Britons or Slogrians of England would retain the same practice.

The writing of course is Roman in its character or caligraphy, which passes muster with Anglo-Saxon admirers as Anglo-Saxon or very early English. It

is sufficient to say that it is not Greek or British, which are similar, but in the style of the Roman clerics of the day, or as nearly as we can guess; for, as a fact, we have no Anglican documents from the time of Bede till the Conquest. Unless we can find the original writings of the Fathers of the Church, there is nothing with which we can compare the charters. Saxon documents of this kind must stand or fall by themselves; if we had any standard by which to measure them, we should have greater hope of their authenticity.

But the strongest objection is the want of any necessity for them. The Saxons themselves could not require the evidence of deeds in support of the tenure of lands, simply because they did not so hold their lands. No one possessed more than a mere usufruct in the soil; and the British and those of the Saxons who imitated them would also require none, for their proof of right to possession was *viva voce*, made in the presence of their elders in the County Court, and by them transmitted to their descendants. Deeds, like territorial titles, were an offshoot of feudalism, and could not have been in common use in this country until after the Norman Conquest.

And if the Anglo-Saxons had no Chancery within which to enrol them (and if they had we should certainly possess some evidence of it), where could they be enrolled? Not within the County Courts, for their records were kept by their Recorders—a personal record merely, and not a written one. And we can hardly suppose that they kept them in their pockets or family deed-chests until we have some proof that they used the one or the other. In fact,

the attempt to foist upon us a mass of these documents is based upon ignorance—ignorance of the facts of history and law. And fortunately for us is it that it was so ; otherwise, had these manufacturers forged laws to meet the case, and to demonstrate the necessity for their charters, it would have been still more difficult to have exposed their absurdity. The same observation will apply to their wills. Mr Kemble writes, “that the simple-minded (Saxon) people knew but little of the advantages of a technical vocabulary,” and consequently we must not expect to find any in their wills ; and he tells us that the evidence, whether documentary or parole, of the donor’s will, was always accepted by the Court ; this is indeed strictly the fact as regards the ancient British wills ; but it is also a fact, of which doubtless the simple Saxon would avail himself, that such wills, according to British law, were necessarily verbal, and could rarely have been put into writing. Hence the gravest doubt must be cast upon the authenticity of the few Saxon wills that are presented to us as original—most certainly may Alfred’s will be utterly rejected.

## CHAPTER XXI.

### SAXON HISTORIES.

LORD MACAULAY has recorded that there are two periods of British history, separated from each other by an age of fable; this is the era of Saxon literature. British history prior to this period is clear, real, and unmistakable; no one disputes it; and down to the time of Gildas and the Venerable Bede, we have a glorious period of unrivalled historical monuments; but from that period till the Norman Conquest we are destitute of any real history. Is this because there were no historians? or that there was nothing worthy of record? If we put aside the testimony of the Saxon Chronicle and Asser, there is actually nothing recorded worthy of notice during the whole of that period. If the very existence of Saxon history, and, indeed, Saxon literature, rests, as it does, upon these two works, it rests indeed upon a poor foundation; and all we truly know of this period of any value is derived from those monkish chroniclers of the 11th and 12th centuries, whose works are discarded as monkish lies. If, however, we can accept Asser as an authority, all is changed. There was a golden age of literature even under the Saxons, though when it occurred is not very clearly stated. But King Alfred found that the Danes had destroyed not only the churches

and convents, but the very learning of the clergy; and in his time, though they were numerous enough as regarded quantity, the quality was sadly deteriorated. Hardly a priest could be found south of the Thames—the natural boundary of the Saxons—who could understand a word of the Latin version of his ritual. Alfred kindly spares us the infliction of a recital of the ignorance of the priests upon the other side of the Thames; perhaps because the Basileus of Britain could not set foot in that region, or it may be because the heathen Danes had annihilated them. It is idle to believe a word of this stuff. Alfred's grandfather had been a fief of these Danes, who then reigned in Mercia, and he himself held a most precarious position under them. No doubt Ethelward was correct in his assertion that Alfred paid tribute to the Danes, and so purchased the right to remain Dux of the British territory his ancestor had gained. This fact has been doubted, because no mention of it is made in Asser or the Saxon Chronicle. Now, Ethelward's is a real piece of history, so far as he was acquainted with facts, and in his day, 1080 or 1090, it was currently reported that Wessex, in the time of Alfred, was a tributary of the Danes; a statement which agrees with the spirit of the Saxon Chronicle, with the fact that undoubtedly the Saxons had paid tribute to the Danes at a much earlier period. The fact that all this is omitted in the Chronicle is another proof that that work, whatever its origin, has been tampered with, and things derogatory to the Saxons omitted; this makes it still more liable to suspicion.

It is possible that the admirers of Alfred, in their

gross ignorance, have confounded the period of the history of Britain before his ancestors had established his own dynasty, with it, and that their views, as stated in Asser and elsewhere, gave colour to the opinions of the clergy, who, looking to Rome always as their head, cared little for merely human dynasties, and referred to the dim memories of the past as if it related to him. Perhaps the golden age of Roman dominion still lighted up a straggling soul here and there, and amid the savagery and desolation of the present, these degenerate monks recollected the history of the past. Surely it is childish to assert that there was any Saxon literature before the time of Alfred. The Latin writers of the 10th and 11th centuries—in whose works, according to Mr Earle, we perceive the decline of the Saxon literature, and that it was already a thing of the past—prove more than this; they prove that there never was a period of Saxon literature, for they cover the whole of it. There are hundreds of Latin charters and other records of every age of Saxon dominion, and some of them of veritable antiquity; every one of them is a proof that the era of Saxon literature, if it ever existed, was past; none of them prove that it ever existed. Are the Saxons of Teutonic race? Could we expect to find that they possessed any kind of historical monuments? Mr Oliphant has remarked that, of all Teutonic lands, England alone set down her annals year after year in her own tongue. Why should the English Teutons, any more than the other Teutonic peoples, adopt this plan? It was not an English custom, for we have no chronicles in English; and why should the Saxons adopt this kind of literature to the exclusion of all others? and we

know that they had no other literature, either written or unwritten, although at this period the English had a valuable literature.

Lappenberg feebly accounts for the non-existence of any Saxon poems or legends at a time when Britain's song and legend held a foremost rank in the literary world, by the fact that the Saxons in England were a wandering people, and that tale and song are the accompaniments of home. But this does not account for the thick darkness of the Germans in Europe; they, at any rate, were not travelling, and not a vestige of their literature has survived. Everything so called is of Scandinavian origin; no people have ever presented the extraordinary spectacle exhibited by them—a people without a history and without literature, and yet a distinct and isolated people.

If we were able to trust the Norman chronicles, Alfred revered learning; but his reputation rests not on these chronicles, but, as Dr Lingard confesses, solely upon the authority of Asser: if you destroy his credit, Alfred's fame is gone. And this singular verdict is not to be lightly rejected, when we remember that, with the exception of Florence of Worcester, Asser is mentioned by none of his successors, nor is any credit given to him for what he had related; and worse still for his reputation's sake, a great deal of what Asser has related is not even hinted at by the earliest writers during this period. Dr Pauli, in commenting upon the fame of Alfred, says the Church embodied Alfred in her legends, and the greater part of the later stories of the monks may have originated in their cells, and have been the result of pious frauds.



Matthew of Westminster; Ingulphus, the author of the "Life of St Neots;" Simon Dunel; William of Malmesbury; Roger of Wendover; Roger de Hoveden; Henry of Huntingdon; John Harding, or Capgrave, who wrote in the 14th or 15th century; Grafton; Fabian, or Rastul, who wrote 1529; and indeed numbers of those upon whom we are bound to depend for our notions of history, all are equally silent as to Asser and his history. It has even been questioned seriously whether there ever was an Asser, Bishop of Sherborne; but that is going too far. If we can credit any fact of that period, we can believe in the bishop; and we know just enough about him to make it probable that any forger knowing as much would deem him a proper person upon whose reputation to pin the history.

The Saxon Chronicle gives us as his death the year 910; but Florence of Worcester, the great witness in his favour, and Roger of Wendover, assign the year 883 as that of his death—a fact which would dispose of his history, since, according to his own account, he only became acquainted with Alfred in 885. And on this account Dr Pauli adopts the suicidal policy of rejecting the testimony of Florence of Worcester, the only witness in his favour, and who, if he falls, drags down with him Asser in his ruin.

It is a remarkable fact that not only is this important life unnoticed by any of his successors, but no evidence of its existence can be found. It has been asserted that there was one MS. of the 10th or 11th or 12th, or of some other century, which was destroyed in the fire of Sir Robert Cotton; but fortunately this is incorrect; part of it has been

saved. There exists in the Cotton Library, in the British Museum, some fragments of a copy written on vellum, a proper examination of which may throw some light on the matter.

This precious Life of the monarch of all others loved by the Saxon clergy under the Normans, was never copied by any monastery, and was left to depend on a single copy—copied somewhere, at some time, by some one. Probably too small a portion is left to hope that any intrinsic evidence may be found, but it may safely be asserted that this MS. is not older than the 11th century, if so old; indeed, there is nothing to indicate that it was not written in the 13th or 14th century.

In giving 910 as the date of the death of Asser, the Chronicle goes too far, and overreaches itself; for it is an undoubted fact that Werslan was consecrated Bishop of Sherborne in 905 (see Osmond, Ward, and Leland), and that the see had been vacant seven years, indeed, ever since the death of Ethelward, a son of King Alfred's, who, we learn from Godwin, died in 898, and who preceded him, and who himself succeeded Sigelmous, who was appointed bishop on Asser's death in 883. The fact that Sigelmous was appointed bishop in that year receives a singular confirmation from the Saxon Chronicle, for it mentions that this year Sigelmous went to Rome to bear Alfred's alms. Now what is more likely than that the monkish records from which this part of the Chronicle was taken related this fact, and that Sigelmous was consecrated by the Pope himself. The facts of Asser's death, and of Sigelmous being his successor, are stated in Matthew of Westminster, who wrote in ignorance of

Florence and Marianus. Independently of the Chronicles, there is some proof that Alfred encouraged learning, and had learned men about him. John Scotus came into England the very year, 883, of Asser's alleged death. What is more likely than that he came on purpose to supply the place of the deceased prelate?

Osmund's Register and Ward's MSS., as well as Leland, agree that Ethelward was bishop between the time of Asser and Werstan; and they all give the year 872 as that of Asser's consecration, whilst, according to his history, he only arrived in England in 885. Le Neve gives the year 879 as that of his consecration.

Osmund, Warde, and Leland omit the name of Sigelmous as bishop; but as he went to Rome the very year of his appointment, and from thence, it is said, to Judea, he may never have returned, and Alfred may have placed his own son in the bishopric only during his absence.

The evidence in favour of Asser having survived Alfred is contained in the fact that in several charters of very doubtful validity, ranging from 901 to 904, Asser is mentioned as a witness, and is invariably described as a bishop; so that the ingenious suggestion that he had resigned his office is negatived, as it is directly by the Chronicle, which styles him a Bishop of Sherborne in 910; and again, this period 901-4, is covered by that during which this see is said on good authority to have been vacant. There is one other perplexing fact which ought to be mentioned. The Chronicle of the Princes says that Asser, Archbishop of the Isle of Britain, died in 906, and the *Annales Cambria* give the date

908. Now these dates agree with no other, and with none of the alleged facts; but this entry is valuable to prove that Asser was an English bishop. He is described as Asser, surnamed Menevensis, the ancient name of the Bishopric of St David's. Geraldus Cambrensis and the Cotton Catalogue of the Archbishops of St David's show that Asser was Archbishop of St David's before he was Bishop of Sherborne; and hence the Welsh chronicler may be well excused for styling their eminent countryman Archbishop of the Isle of Britain. If it can be proved that Asser survived till 910, it will not assist the question of the validity of his history; but if the contrary be established, its authority is altogether destroyed.

It has been seen that Welsh chronology is not to be depended upon at this period. Both Guthram and Alfred's deaths are erroneously stated; much more likely would it be that the death of a bishop would not be recorded until several years after the event. Therefore, all that we certainly know is, that there was a prelate of the name of Asser contemporary with Alfred; but of what see, and whether he ever wrote one word of this history, we are in utter ignorance.

The internal evidence against the authenticity of the history is strong and overwhelming. Mr Thomas Wright has stated several objections, each of which would seem fatal to its integrity. This is not a question of mistake; the book is either a gross forgery and a tissue of inventions, or it is a genuine history; one part cannot be rejected whilst the other remains. At any rate, if it be clear that the part personal to Asser be a forgery, the rest cannot be

credited without other and independent testimony to support it.

Mr Wright points out that it contains several references to the Life of St Neots, who, though he died in Alfred's reign, was translated nearly a century after Asser's death; and of course his Life was not published probably until long afterwards. This is tolerably strong evidence of forgery. But Dr Lingard, who appears determined at all costs to support it, avers that Mr Wright is ignorant of the date of the death of St Neots. As if this anachronism was unimportant, he suggests the self-evident fact, that the book was not written for publication, as in these days, but, as was very probably the case, by some monk of St Neots or its neighbourhood, for the benefit of his fellow-monks, and therefore that he in making his copy interpolated the matter *ex post facto*. The grave objection to this reasoning is, that if a monk took this liberty with the MSS., it is difficult to determine the boundaries of his license, and that it must be looked upon as a joint production of the monks and of Asser; but it is merely gratuitous assertion that any monk of St Neots or its neighbourhood had anything whatever to do with the MSS. As no history of the MSS. is in existence, and the diocese which Asser filled is varied to four or five places, it is presumptuous to put forward an explanation of this kind, for it is none. But there are many other objections, which are equally unanswerable, and which Mr Wright has mentioned. This Life, if Life it be, was written during Alfred's life; it only goes down to the 45th year, but it is on the face of it a contemporary history. There is not a similar instance to be found at so early a period of any man's Life being

written whilst he was living. Dr Lingard, whilst admitting this, suggests that as Asser was a Briton, it was written for the British chieftains, all of whom were desirous of seeking the protection of this great man.

The disingenuousness of this argument strikes one forcibly; for there is no evidence, except that of the very book, that any Briton ever expressed such a desire, or that Alfred ever obtained the allegiance of any of the contemporary reigning sovereigns. Indeed, the arguments and facts of history all lead the other way, and utterly contradict the statement, and consequently destroy the value of this book. If Alfred was a tributary of the Danes, it is hardly probable the Britons could sufficiently respect him to seek the honour of allegiance to him; if they did, it can hardly be pretended that Alfred was a Saxon.

If this be so, then the title of "Great" which has been bestowed upon Alfred in modern times, on the strength of this very history (a terribly long period of 1000 years intervening between his death and canonisation), has been rashly given, and, like that of King of the Anglo-Saxons, bestowed upon him in this Life of Asser, must be taken away. The MSS. would appear to contain both titles, and certainly the bestowal of the latter is proof of forgery; for Alfred was King of the Gewissi or West Saxons only to the day of his death. The Brut so refers to him, and every record of any authority so describes him.

In disposing of this fraud, it is not necessary to indicate its origin; but the singular coincidence of its concord with the Chronicle of Florence of Worcester is deserving of some notice, if only it may afford a clue towards the detection of the imposture.

The history of this Chronicle is suspicious, and perhaps Dr Pauli was wise in rejecting its testimony, as involving greater doubts and difficulties than those already patent. It would seem that there was a Chronicle of Worcester (as was probably the case with every monastery); this is clear beyond doubt. Ordericus Vitalis saw it about 1120 or 1130, but he calls it the work of John of Worcester, founded upon a Chronicle of Marianus Scotus; this Chronicle is not found at Worcester, but turns up a century or two afterwards in the reign of Henry III. at Bury St Edmunds, when a certain John de Taxted continued it. This worthy man must have known something of Asser, for he has copied whole passages from his work into the Chronicle, and that without any acknowledgment, as if both were the work of one pen—a very likely circumstance. It is equally singular—and the double singularity makes a monstrous doubt—that just as Asser was unnoticed by all succeeding writers but Florence of Worcester, Florence of Worcester suffered from the same neglect; none of his contemporaries make use of one of his facts, or refer to him in any way as an authority. William of Malmesbury, the great authority of that age, utterly ignores him. Therefore the irresistible inference is, that both works are the spurious effervescence of some vile pen, brought forth to flatter some one to whom they would be palatable, or to spite and annoy possibly some Norman nobleman, whose conduct was directly opposite to that so pleasingly portrayed of the gentle Alfred.

If, then, we reject, as on grounds of common-sense

we must, this Life of Alfred, what is there to enlighten us as to this dark page of our history?

We can give no greater credit to the Saxon Chronicle, and the charters of the period, as we have seen, are of no practical value. If any of them are genuine, they are but a poor and corrupt reflex of Roman law, filtered through a clerical agency.

If we can trust the monkish chronicles of the Norman period, we learn that the Saxons not only adopted the British laws, but translated them. The holy Gildas is said to have translated the British law of Moluncius Dunwallo into Latin; and Ina, Alfred, and others, are said to have translated these laws from the Latin into Saxon, and the Mercian and other laws direct from the British into that tongue; and unquestionably, at some time or other, and then as probably as any other, these laws were translated; for in the laws called by the names of these *Reguli* we find a reproduction of the ancient British law, thus proving that not only did the law survive the Roman era, but that it must have been administered by those who understood it, and not by the Saxons; and those persons must have been of course the clergy of the Church of Rome.

Ethelbert was the first of the *Reguli* of whose respect for law we have any proof, and the laws under his name are merely reproductions, with variations and alterations, of the British law; and so we find, until we come to the laws of Canute.

There is no question in the whole range of British history, not excepting the question of the authenticity of the Life of Asser, of greater importance to the lawyer and to the historian than that of the truth and originality of the Saxon Chronicle. The very existence of a



Saxon literature depends upon it ; for if our faith in this poor record be lost, we then arrive at the singular fact that there was no Saxon writing until after that language had actually perished ; for on the solution of this question depends the very existence of the works of Asser. And if we except these two works, we find that there was not a single writer in England who used the Saxon language of whose writings we have one single line ; and this important result necessarily follows—that, in the absence of a Saxon literature, they must have been indebted for all their laws and learning to the British and Romans, who remained in this country. We may well doubt the very existence of a Saxon literature when we find that they had no letters of their own, but borrowed the Roman characters ; and that even their very charters are written in this language and in these characters ; and that the only known author, Ethelward (for Asser must be excepted as a myth), wrote in the Latin tongue. And yet, if we are to believe Asser, at the date of Alfred there was a golden age of Saxon literature ; poems and original works, and translations of many classical authors, were in common use. Oxford, even then, was a hotbed of learning ; and yet, with the exception of the Chronicle, Asser, and three or four poor translations, everything has perished. These translations are worthless in a question of this kind, because the only copies extant are not positively older than the 12th century, and there is no proof, except Asser, that they existed previously. How can we account for this total destruction of a literature ? Hundreds of contemporary charters in the Latin language still survive ;—why should not some scrap of writing remain to

attest the former glories of this enlightened period? The absence of any such is fatal to the claim; and if we come to the conclusion that the so-called History of Asser is spurious, we shall be satisfied as to the worthlessness of the basis on which this theory of a Saxon literature exists, for assuredly the Saxon Chronicle is a worthless fabrication. If it be true, it is the most important work extant; but the evidence to be adduced in favour of it is so trifling, and that which disposes of its validity so overwhelming, that we are forced to the conclusion that our Saxon history is a fraud which has imposed upon us for centuries, and which must be utterly rejected.

One fact is clear. Whoever wrote this History of Asser wrote also a portion of the Saxon Chronicle; for with the exception of certain passages, which are plainly interpolated, the two are identical. In many parts the one is a literal copy of the other. The interpolations, however, are of the greatest importance, and they deserve a special notice. Some of them we can trace beyond a doubt; for it is clear that they were added by Archbishop Parker, and taken by him directly from another work attributed to Asser, but which it is now well known was not written, at any rate, until the end of the 12th century. This work, which Galt edited, under the title of "*Chronicon Fani St Neots sive Annales Johannis Asser*," mentions the death of Asser, and refers to the Life of St Edward, which was written by Abbo towards the latter end of the 10th century. No doubt the Archbishop honestly believed that he was only interpolating what Asser himself wrote; but his conduct in taking this course without explanation is inexplicable, especially since he boasts

himself of his accuracy. In his defence, however, it should not be forgotten that he has deposited at Oxford the whole of the materials he used, with references to the places from which he took them; and it is from this collection that we know positively what interpolations he made. They may be further exhibited by a comparison with the MSS. of Asser which do not contain them. To the Archbishop is due the interpolation of the word "vassalis," which has puzzled Mr Wright and so many authors, as well as the account of the sins of Alfred's youth, which is inconsistent with the previous statement of the book itself. The doubtful passages relating to Alfred's exploits on the sea, the well-known story of his sojourn in the peasant's hut and of his spoiling the cakes, the capture of the standard called "Raven," and the whole of the important passages about Oxford,—in fact, the most interesting portions of the memoir,—these clearly are the work of the Archbishop.

The Oxford episode proves conclusively that the Annals were forged after the antiquity of Oxford had become a question of interest, which probably brings down the period of the concoction to nearly the Archbishop's time; nor is it very clear that any MSS. of this Life ever existed older than the reign of Richard II. The Archbishop copied his work from a transcript of that date in the library of Lord Lumley. This is proved by the testimony of Twyne (Archiv. Univ. Oxon.) Can this be the MS. of which the fragments now in the British Museum are part? Other interpolations, though we cannot trace the hand, were made probably only a short time before those of Archbishop Parker, and they may be traced

by the singular use of the composite word Anglo-Saxon,—a word which it is clear Asser himself would not use, even though he was writing for his own countrymen; for he would of course use the term by which they knew this portion of the natives of Britain. We know from the “*Annales Cambriæ*” and the British Tywysogion that they reckoned the whole of the Llogrians, Danes, and Saxons, as “Saxons.” The Danes of East Anglia they called East Saxons. Guthram, at his death, recorded erroneously to have taken place in 905, is said to be King of the East Saxons; and Alfred, who is recorded to have died in 898—again an error by three years—is described as King of the Gewissi, and at this day the Irish indiscriminately term the natives of this country under the generic term Saxon.

Alfred always styled himself either Duke or King of the West Saxons of the Gewissi, and he was never described by any early writer in any other manner. In fact, it would be wrong to do so; for Angle and Saxon were not convertible terms, and did not mean the same thing. Angle was the name by which, probably at the time, but certainly shortly after the Roman occupation, the people of these isles designated themselves. It had become, in fact, the native name, while Saxon was the name by which the intruders upon them were called by their neighbours. The Saxons on the Continent were called, as this work shows, at any rate by the English, “Old Saxons.” Paul Warnefred, in his *History of the Lombards*, written in the eighth century, is said to have used the term Anglo-Saxon, to distinguish the Saxons of England from the Saxons of the Continent; but it was an expres-

sion which would not have been used in this country, especially by one writing for the British, who indiscriminately called all its inhabitants Saxons, and who did not recognise in any way the name of Angle. Ethelward in his Chronicle, written about the year 1090, himself a Saxon, invariably styles his countrymen Angles. Perhaps he was as much ashamed of their nationality as of their language, and he always styles Alfred King of the Angles. Angle, though British, is Latinised, and he, writing in Latin, naturally used the term. It is doubtful whether the Britons were not called Angles under the Romans; at any rate, very shortly after their departure they were so called by Pope Gregory, who, when punning upon the name, referred to British children and not to Saxon. The use of this term in Asser's History is extremely suspicious, and suspicion passes into proof when it is seen under what circumstances the word is used. In this Life the word "Anglo-Saxon" occurs nine times, and the "West Saxons" are spoken of fifteen times. Of these, however, no less than six are interpolations of Archbishop Parker, who has not scrupled to add to the MS. any words which appeared to him to elucidate the meaning. It is clear from this very accuracy that some other interpolator besides the Archbishop had added to this work, and it is worth while to observe where the word is used. The first use is in the very first paragraph, where the object of the work is stated. This is just what we should expect to find from a writer who was about to convert the Saxon Chronicle for this period into a "Life." The second use occurs in a distinct interpolation,—a digression relating to the Salic custom of placing a

queen on the throne beside her husband, and in which is related the episode of Queen Edburga, which so puzzled Mr Wright, and which may be found in the very same words in "Florence of Worcester," a book written centuries after; and to introduce this digression, the writer has broken off the narrative and gone back several years. The third use is found to be in a clear digression; the writer goes back eighteen years to give a personal history of Alfred, concerning which all the previous years are absolutely silent. The fourth is in 882, when the very doubtful history of the sea-fight is related, and it is to be observed, that after this date the term Anglo-Saxon is almost invariably used. Now there is strong proof that Asser died in 883, and therefore, after striking off all passages to which this term Anglo-Saxon is a kind of index,—as if the forger had involuntarily given this evidence against himself,—and, of course, the interpolations of Archbishop Parker,—the residuum may be the real work of Asser; but unfortunately nothing of value remains. The poor, dry records which we see are simply a Latin equivalent of this period of the Saxon Chronicle; and the whole romance of this reign and the fame of Alfred perishes, and he ceases to be proved to be the great sovereign which modern writers have pronounced him to be upon the strength of these forgeries. It may be that Asser wrote this record of Alfred's reign, and if he did, he is the author of this era of the Chronicle, which, as has been observed, is identical; and if this be so, this follows,—that this important era has not a Saxon but a Latin record. For undoubtedly Asser was himself a Briton by birth, and his work can only be

supported as that of a Latin writer, in which language it is, in fact, written. It is a pity that so many forgeries have been added to this book, that we hardly know whether any portion may safely be trusted. If we knew for certain that the writer of the Saxon Chronicle had copied from Asser, as he undoubtedly took the earlier parts from Bede and Eusebius, &c., we should be assured of the existence of a Latin work at any rate half-way between Bede and the Norman chroniclers.

The question, therefore, of the integrity of the Saxon Chronicle and of the Life of Asser is closely combined. If Asser wrote the residuum of the Life, that part of the Saxon Chronicle was copied from it, or *vice versa*. We know that previous portions were copied from Bede and other sources; and if this be admitted, what is there left? It is clear that the whole is a work of compilation and copying, and the only question is, at what date, and by whom? Now, as will afterwards appear, it may safely be affirmed that the Chronicle, as we possess it, was not in existence till 1056, and that somehow it, with the Life of Asser, fell into the hands of Florence of Worcester, who adopted the Chronicle as the work of Marianus Scotus, a monk of his monastery. If we are to come to any other conclusion, we must either consider that Florence himself was the forger of both these works or the vilest plagiarist; for his work, which was suppressed till the reign of Henry III., is simply made up of Asser and the Saxon Chronicle. There is something very mysterious in the history of Florence which has yet to be cleared up. The continuator of Florence describes his work as the Chronicle of Chronicles, a description which shows

that there were other chronicles in existence (we only know of two beside the Saxon Chronicle), and that Florence was superior to them all. But if it surpassed them in interest, why was it kept secret till so long after his death. Ordericus Vitalis speaks of a great Chronicle at Worcester, but attributes it to Marianus Scotus, a learned Irishman, who lived in the 11th century; and Florence himself states that his Chronicle is grounded upon the work of that writer. But if the real Florence had not been tampered with, how was it that his own monastery did not publish his work and gain the credit of it? and how came it to be issued from Bury under the care of John de Taxted so many years afterwards?

William of Malmesbury professes to give an account of all the historians down to his time, and he was writing only six years after the death of Florence of Worcester; yet he does not even notice him, and he says that he had diligently inquired for every writer of the kind. Of course so learned a man must have known well if such a work as that of Florence was then in existence; unless, indeed, he was a writer of so little value as not to be worthy of notice. But if this were so, as the *Life of Asser* was used by Florence, that work must also have been considered as of equal worthlessness. Surely such a work as that of Asser would have been used and described by so learned a man as William of Malmesbury, if it had then been in existence; but he expressly says, that except certain vernacular notices, by which he is always understood to designate the Saxon Chronicle, no record or history of any kind subsequent to the time of Bede was known to be extant. Surely this testimony is conclusive against



the theory of there having been anything like Saxon literature. But other circumstances, quite as strong, negative that idea. If there had been any literature, there would still be proof of it. If we believe Asser, there were beautiful original poems in the Saxon tongue, and numerous copies and translations of other works. As the Latin records of the period still exist, surely some of these translations and original works would be handed down to us. Of original Saxon works we have positively none; and the translations and writings that do exist show no sign of literary growth. No language ever remained stationary for five or six centuries; and if only one date—the Saxon of the 11th century—can be found, it is conclusive against the idea that it was ever written earlier. The fact is, that Saxon supremacy in the island had expired with the brutal massacre of St Brice; and after that period the Danish, and not the Saxon tongue, was in the ascendant. The Saxon Chronicle, and probably the few Saxon translations still extant, were probably the work of but few hands,—possibly all the writing of Marianus himself, for he is the only writer who is known to have used the barbarous language. For it is singular indeed, but highly probable, that the so-called Saxon Chronicle is the work of a young Irishman who employed his leisure in writing Saxon, then an unwritten language, and compiling a history of the people in whose country he happened to sojourn a stranger, finding them utterly without a history; and it is not improbable that he translated it into the vernacular of that people. This would account for there being no stages of Saxon, and it would account too for the crude nature of the performance, and the

respect which was paid to this Chronicle by Florence and those who copied from it; for no doubt the Chronicle was published during the life of Florence, though his copy was not. They may have been deceived by it, and believed it to be a genuine history. It is clear that William of Malmesbury did not fall into the same error. Marianus afterwards became a great scholar and linguist, and he was reckoned the most learned man of his age. He himself, in his greater histories, uses the very materials of the Saxon Chronicle, and it is even said that he copied from the Life of Asser; but probably this would, on investigation, be found to be only those parts of it which were common to the Chronicle. If otherwise, it would reveal the extraordinary fact that Marianus had a Life of Asser unknown to Asser's own countrymen. Marianus never returned to this country, and from the contemptuous way in which William of Malmesbury, writing after 1120, speaks of the work of Marianus, it is clear that in his day the work had gained no authority; indeed, he especially guards the reader from placing credit upon it. He refers, doubtless, to Marianus, when he writes so contemptuously of some notices of antiquity, written in the vernacular tongue after the manner of a Chronicle, by means of which alone, he says, the times succeeding Bede have been rescued from oblivion. In his description of Saxon and Latin writers, William of Malmesbury gives almost the place of honour to poor Ethelward, who had only recently died (he died about 1090, and his memory, on account of his relatives probably, was spared). He had endeavoured to turn this Chronicle into Latin; yet Malmesbury makes no mention whatever of

Florence, who had died only some six years before, and whose history is infinitely superior to Ethelward's.

William of Malmesbury's statement, that the history of these times had been rescued from oblivion, would rather tend to prove that at one time they had been lost—to give the character of a work of compilation from various books, similar to that given by Florence to the work of Marianus. If that be so, what has become of these works? Probably, except Bede, Orosius, and Eusebius, they were no more than extracts from conventual registers.

Many considerations induce the belief that the Saxon Chronicle, as well as Asser, were the work of Marianus. How otherwise could we have gained possession of them? We learn from Bishop Nicolson, that the History of Europe, in which Marianus had interwoven our national history, and especially Asser, met with universal and great applause in our monasteries—that there was hardly one in the kingdom which did not possess a copy, and some had several. The frequent transcribing it gave occasion, he tells us, “to a deal of errors and mistakes; and the interpolations were so many and confused, that when it came to be prepared for the press, some of its genuine and fairest branches were lopped off for morbose tumours and excrescences.” Nor will, he adds, “the reader meet with a word of this English affair in that tame edition of Marianus' Chronicle by Pistorius, whose business it was only to publish the ancient writers of the German history, and therefore he designedly omitted all that concerned this kingdom.” Surely this may be a fair description of the state of the Saxon Chronicle, which is a collection of morbose tumours and excrescences.

Capgrave, an able, conscientious, and very accurate man, who wrote in the 15th century, and who was well acquainted with the works of Bede, Higden, Giraldus. Cambrensis, and the chroniclers, refers neither to the Saxon Chronicle nor to Asser, from which it seems as if the publication of these works was deferred till after the treasures of the monasteries had been scattered, and men began to give large prices for them, when of course forgeries would be frequent.

If the Chronicle had been the continuous work of each age, it would of course display the gradations and improvements or corruptions of the Saxon tongue; for it is idle to suppose that there was no change, and that the Saxon of King Alfred was the same language as that of 400 years later. But it is an undoubted fact that until we arrive at this latter period there is no perceptible change—the language is the same throughout, both in regard to its vocabulary and its inflections. Now, therefore, the conclusion is irresistible, that, however old it may have been in the Latin, it was only done into Saxon about the end of the 11th century, for then we find that changes begin—and then, as we should expect, they are considerable. We therefore cannot put the date of the compilation of the Chronicle earlier than the end of the 11th or the beginning of the 12th century. The copies differ considerably after the middle of the 11th century, when independent entries are made which would indicate divers hands at divers places. But down to this period the similarity of entry and identity of matter is too apparent to allow any doubt but that the copies were not made or distributed until this period, at any rate, or, in all probability,

the copies were not made until some years after the record was made up. We cannot suppose that they were distributed much before the beginning of the 12th century, and that probably at different times, referring to the well-known designations of the various MSS. of the Chronicle. The handwriting of MSS. C is in the same hand down to 1046, and agrees with MSS. D, E, & F, down to 1056. This is the date of the termination of MSS. F. And it must be, it would seem, an important date in its history; curiously enough, it is the date of the departure from this country of Marianus Scotus, who, according to Florence of Worcester, was born in the year 1028. Florence states: "This year was born Marianus of Ireland, the celebrated Scot, by whose study and pains this excellent Chronicle was compiled from various books." And under the year 1056 he writes: "Marianus becoming a pilgrim for the sake of his heavenly country, went to Cologne, and took the habit of a monk in the Monastery of St Martin, belonging to the Scots, on Thursday, which was the calend of August." It would seem from the "*Biographie Universelle*," that he passed three years there, when he went to the Abbey of Fulda, and was ordained priest in 1059, where he remained until 1069, and then settled at Mayence till his death. There is a notice of Marianus under the head of 1058, which would appear to be an extract from a letter of that recluse, in which he speaks of leaving Cologne for Fulda, in company with the Abbot, on the 26th April of that year; and in the year 1059 we read: "Marianus having shut himself up in the cloister with Sigifred, Abbot of Fulda, was ordained priest at the

tomb of St Killian, at Wurtzburg, on the 13th March," "being the day before he entered on his ten years' seclusion in the Abbey of Fulda." And again Marianus (1069), after his ten years' seclusion at Fulda, came to Mentz, by order of the Bishop of Mentz and the Abbot of Fulda, on the 3d April. It would be a curious circumstance if either of the copies of this Chronicle could be traced to the penmanship of Marianus, and it would tend to solve this vexed question. They may probably be compared, for it would seem that his original MS. was in existence in 1559, amongst the archives of the Church of St Bartholomew. If we arrive at the conclusion that Marianus was the translator and compiler of the so-called Saxon Chronicle, and that his work contained no more matter than is to be found in that work, we need not assume that the interpolations in Asser and the additions to his own Chronicle were made until the reign of Henry III., when Oxford was rising in importance, and would be glad to learn somewhat of her history under the Saxons—though probably many of them were of a much later date: it may be that they are attributable to the vanity and vexation of spirit of the conquered Saxons. No doubt that during the reign of the early Norman kings they were made to feel their intellectual inferiority most bitterly; and any sympathising or foreign—especially German—monk would be doubly anxious to relieve his countrymen and the English Saxons from the humiliating position in which he found them. The Normans had a literature of their own; the Saxons had only to invent one. A curious circumstance, which would colour the argument that the forger of the Life of

Asser and the compiler of Florence are identical is again to be found in this use of the same word "Anglo-Saxon" in Florence as well as in Asser; for when we turn to the Life of Alfred, there, and there only, do we find the use of it, as if the forger were unable to hide his fraud, but forced, in spite of himself, to reveal it. This is additional proof that both works were tampered with at a later date, possibly several centuries later.

The forged Annals of Asser, as they must be called, are undoubtedly connected with St Neots; and Peterborough, so famous for literary forgeries at that period, is very near to that monastery. Moreover, Asser's Life of Alfred contains a reference to the Life of St Neots, who was only translated in 974, and his Life, of course, written some years afterwards; which, while it proves that Asser could not have written it, appears to show that it emanates from that district. The Peterborough MS. of the Saxon Chronicle, which is the basis of Florence, is a "copy" of the 12th or 13th century, and is the most important of all, and is carried on to a later period than any other. It is, besides, more full of matter (and lies), many of which are proved to be forgeries. Is it uncharitable to point to the wicked monks of Peterborough as the authors of the whole of these forgeries and concocters of the Saxon Chronicle?

Perhaps no work has been the subject of such lavish and slavish praise as the Saxon Chronicle. Certainly no work which has received such attention ever less deserved it; for it is difficult to avoid agreement with Mr G. P. Marsh, who writes: "Taking the Chronicle as a whole, I know not where to find a series of annals which is so barren of all human

interest, and for all purposes of real history so worthless." Though, on the other hand, Dr Ingram has written: "Philosophically considered, this ancient record is the second great phenomenon in the history of mankind; for if we except the sacred annals of the Jews contained in the several books of the Old Testament, there is no other work extant, ancient or modern, which exhibits at one view a regular and chronological panorama of a people, described in rapid succession by different writers, through so many ages, in their own vernacular language." Nor is Dr Ingram the only writer who has prostituted his pen in support of this document; for it is absolutely a fact that there is a school and a professorship for the study of this great work, in truth, an excuse for wasting the time and talents of students who might be much better employed; for there is neither philosophy nor philology to be gained from a study of Saxon literature—nothing but evidence of the corruption of both.

However, the late Professor of Saxon at Oxford thinks otherwise, and he has written a very bulky volume on this musty subject, which it is necessary to dissect to arrive at a proper estimate of its value. Indeed, as one of the objects of this work is to show the laws in existence during the Saxon era, it is necessary to clear the way by disposing of the idea that the Saxons had a literature of their own.

We have several copies of the Saxon Chronicle extant, but no original. And it is of importance to remember that these copies are not found in their proper places, but were collected by Archbishop Parker and others from very suspicious sources, and afterwards by Cotton long after the Reformation, and



when the trade in forged Saxon MSS. was in a flourishing condition. There is a copy called the Chronicle of St Augustine, supposed to be of the date 997, two other copies believed to be dated a few years before the Conquest, and the Peterborough copy, which is the most important, and probably the original of the whole series,—and this is known to have been made after the fire, about 1121,—and there is another copy, but it is of no great importance, made in the same century. In exposing the nature of these documents it is imperative to refer to Mr Earle who has written so learnedly about them. It seems an invidious task to attack the arguments of a gentleman who has devoted himself to such a horrible task as the study of perhaps the most barbarous literature which has ever been the subject of a professorship, and we cannot be too grateful to men who will undertake such duties. Undoubtedly this gentleman has executed his task with fidelity and zeal. Though perhaps carried away by the rhapsodies of his predecessors, he has not had the courage to face the dreadful reality, and honestly to upset the idol that has been set up. He has, however, been so honest in his labours that it is out of his own mouth that the disproof of his statements appears. Writing of these documents, Mr Earle says: "They represent various stages of literary progress, and exhibit the taste (!) and historical demands of many different generations;" and he deprecatingly adds, "but they must not be judged by the literary standard of the 19th century." This is hardly necessary, for he starts with an admission that in the primitive part "we have almost the rudest conceivable attempts at history."

It would be very difficult to find anything so rude, so utterly worthless, or such evident forgeries, as the early records. Mr Earle is compelled to admit that down to the year 449 this "vernacular history" is chiefly borrowed from Bede, many of the borrowings being "bold verbal translations." Perhaps it could hardly be expected, consistently with their own story, that the Saxons could narrate from personal observation what occurred before a period which was that of their advent, and therefore this admission, though candid, is perhaps not very valuable, but for the date, 449, Mr Earle should have substituted that of 887, the year in which he thinks the compilation was made; for down to that year there is absolutely nothing but what is copied very boldly from the Latin authors Bede and Asser. For in considering the question of the Chronicle, Asser may be assumed to be a genuine history; any other facts mentioned are either biblical or traditional catholic matter, which any one who was committing this forgery—if, indeed, it was not originally intended as a mere copy or book of extracts—might very easily insert; and thus, at one swoop, is disposed of the greater part of this wondrous document.

Mr Hardy, in his "Monumenta," assumes that Asser copied from this Chronicle; but this inference is obviously false, from this consideration—that the Latin is more ample in many parts than the Saxon, and has evidently been only partially understood, or as if the Saxon writer wanted words in his vocabulary to render the Latin properly; but more particularly from this consideration—Asser covers the period from 851 to 887, and this is an exceptional period in the Chronicles, which would not be so if Asser had

copied from them. But we find that from the time of Bede to the commencement of Asser there is a great gap, which is but weakly filled in with scraps of monkish intelligence. So striking is this, that Mr Earle writes : " At the year 855, the termination of the ancient Chronicle is plainly seen, like the lines of some ancient sea-coast high up in the mainland," —a grand description of a petty work, but utterly subversive of the theory intended to be set up.

Another significant fact is that the year 851, the very first year of Asser's biography, is the very first occasion when mention is made of the present day, and the very first appearance of the grammatical first person. Then again, unlike the previous portion of the Chronicle, every year of this period has its annal. To borrow Mr Earle's language, " some are full and circumstantial, whilst those which are brief contain well-selected matter, even when the scene is altogether beyond seas."

More than this, during this same period occur Latin titles ; " a thing," says Mr Earle, of " extreme rarity ;" and very strong proof, it would seem, that the Latin language was the original. The fact was, the Saxon translator had no equivalent for these titles. To proceed with Mr Earle, he says, " from 887 to 893 there is a singular change from warlike to trivial matters," wholly ecclesiastical ; " and this would indicate an attempt of some Latin and perhaps clerical writer to fill up a gap between his own time and that of Alfred."

This last observation is a just one, and no doubt the Latin writer in question was the compiler of the whole work ; and the only question is, Whose is it, and when was it written ?

Mr Wright considers, and others with him, that this part was not written till long after, and in all probability not for above a century, so that it is probable that this wonderful Chronicle, and, of course, all its copies, are the production of about the same period, a short time prior to the Conquest. Mr Earle supplies fresh evidence of this when he informs us that in the section 887 to 893 we have some of the most archaic Saxon in the whole Chronicle. "It is very stiff and primitive, at once the best-preserved and least-altered piece of pristine English;" and he candidly admits that this archaic Saxon is not to be found in the earlier portions of the work, except in that period covered by Asser—a difficulty which he attempts to evade by supposing them to have disappeared under successive copyists. The peculiarity of these archaic forms being found only in this part and in that covered by Asser, point at any rate to the compiler of this portion being Asser's translator; and their absence in the earlier portion may prove that that is a still later production of the same author, after he acquired a better mastery of the language; or it may have been made by another hand.

From the date 893 the style is perfectly different, and the narration is more copious and on a generally enlarged scale, and by Dr Pauli and others it is thought to be the production of the next century. In fact, the sheet-anchor of the year 887 having given way, the ship is drifting we know not whither; for there are no means of testing the date from extrinsic evidence, for none exists—these are admitted to be the only specimens of Saxon literature extant, and you cannot compare them with them-

selves. We have no data to guide us. What Mr Earle declared to be archaic forms of expression may or may not be of an early date. The early date assigned to them is that of the date given in the work itself. If the work be proved to be untrustworthy, the archaicisms may be a modern concoction.

It was not till fifty years after the Conquest that these Chronicles were thought worthy of preservation, and then Florence of Worcester, for the first time, translated them into Latin.

Nor do the charters help us, for, as we have seen, they want all the help for themselves; they, too, are probably equally spurious; so that we arrive at the melancholy conclusion that the Latin writers were absolutely correct when they described the Saxons as barbarians who were without a literature.

The conclusions, therefore, which may be arrived at at this stage of the investigation are—

First, That there is nothing in the language of the work to show that it was not all written at the same time; for, with the exception of the period from 851 to 893, which is said to contain peculiar archaic forms, the language of the whole is uniform; and especially is it clear that the language of the earliest age is precisely that of the last; so that if the language of the copy of the work which we possess has not been modernised, it may all of it have been written at the same period.

Secondly, That the excepted period is covered by the history attributed to Asser, with the exception of the last five years, in which is to be found no entry of any fact of value. It consists, indeed, of matters purely ecclesiastical, whilst the former portion was historical, and that proves most de-

cisively that Asser, and not the Chronicle, is the original of the picture; and from these considerations it may be inferred that the writer of the Chronicle, who to all appearances must have been Marianus, first met with Asser—a work which, as far as we know, was written in Latin, and was never copied into Saxon, and, inspired by this work, conceived the idea of composing a Chronicle which should cover the whole period, as he supposed, of Saxon history; and an investigation into the matter of the work will satisfy the most sceptical that this was the case.

Down to the time of Alfred it is no Chronicle at all, but a bare set of names, which are placed under dates many of which are manifestly mere guesses. The important date of the first entry of the Saxons in Britain is wrong manifestly; so the alleged entry of the Danes, and numbers of minor instances, can be adduced. In fact, down to this period, the work would appear to be of a much later date than the History of Alfred's reign, for a number of archaic words which appear under the reign of Alfred are not to be found in the earlier period. Mr Earle suggests that the earlier part has been modernised, and not the latter. But why should this be? Surely a scribe writing several centuries later would modernise the whole of it, and not one of the numerous copies existing of the Chronicle has any of the early portion modernised, nor can either of them be certainly ascribed to an earlier period than the time of Florence; for, as Mr Earle admits, there is no known means of distinguishing the language of the 10th from the 11th century. If, therefore, the early portion of the MS. underwent the modernising pro-

cess at that date, this must have been done before any copies were made, and it may be asked, Why did the scribe spare those archaic words during Alfred's reign? This difficulty is at least as great, if not greater, than that which Mr Earle suggests to escape from the grave doubts which obtrude from the internal evidence. And indeed, as the literature of the Saxons depends entirely upon these two documents, Asser and the Chronicle, and as, with the exception of the interpolations we have noticed, they are identical, and can hardly support each other, there can be no other evidence to be adduced in their favour.

If we read this Chronicle carefully, we shall find that down to the year 449, if not later, the facts mentioned are borrowed entirely from Bede, are indeed not Saxon annals, but a Saxon translation of scraps from his works, from monkish registers and Latin authors, many of them, as Mr Earle admits, bold verbal translations. Nothing but the preface is original; the whole is a work of book-making, of collecting and translating, which any monk at any of the great monasteries could readily concoct for himself. Now, we must bear in mind that there is no documentary evidence prior to 635, and from that period the mixture of the unreliable traditional with the earliest traces of documentary evidence renders the whole untrustworthy, and deprives it of any historical value. Nor must we forget that, so far as the western counties are concerned, we have but an unsafe guide in Bede; for we know that he gathered his knowledge from the priests around him, and how they obtained it we do not know. It is probable that Northelm, himself a Northumbrian, and Albinus,

Abbot of Canterbury, who was probably a Norman Briton, assisted him. They probably only gathered an unsafe tradition. All that we can say of Bede is, that he was a worthy editor. So then, the whole Saxon history, as we have traced it, depends upon the statements of the Chronicle; but the accounts are too meagre to be of any real value were they true — mere chronography — landmarks of time — points fixed here and there to save the memory from chaos.

If we approach the reign of Alfred, suspicion redoubles. If this is a forgery, the forger would be a clumsy fool indeed if he did not introduce the oldest known Saxon words, so that their presence does not assist the proof of the date; and here we cannot shut our eyes to the fact that this period is a vernacular abridgment from the Latin original. In Florence we find the Latin more ample in some important particulars than is the Saxon; and this important fact appears, that although the continuator of Florence copies from the Chronicle (or the reverse), yet the affinity between the two strangely disappears, as if with the death of Florence the hand that wrote them both had lost its cunning. This strange affinity ceases in 1107, and Florence died only two years afterwards. Then again we find that, although the Annals from 851 to 887 are copied in Asser, in neither work is there any acknowledgment of such a loan. The puzzling question, how it was that the Life of Alfred ceased about this date, may be answered if we suppose that Asser was the author of it in its Latin form, and that he died about that date; but the fact that Marianus, and he alone, copied from it, cannot be accounted for, though



it may be that its history was unknown, and that Marianus left England before he completed it; and we know that it was not brought to light till long after his death. It is clear that both Marianus and Florence are innocent of forgery; for if either of them had been wicked enough to concoct this forgery, they would not consider themselves safe in attributing the History to Asser, but would probably have attributed it to John, who would be the most natural person to write it after Alfred's death; for there is the otherwise inexplicable fact that Florence and Marianus both record the death of Asser in 883 (before the History terminates), and many facts tend to prove the correctness of this account. As if to complete the forgery, by whomsoever it was done, the Chronicle asserts that Asser, Bishop of Sherborne, died in 910, which would give that distinguished prelate opportunity, which he did not possess, to write the complete Life of Alfred,—a concoction which seems to clear the memory of Florence, and to show that the forgery was committed subsequently to his death, and by one who had not access to his work, or who had not observed this record of Asser's death. Then the suppression of Florence adds strength to the charge of forgery, for possibly his writings were suppressed because the forger discovered the blunder in time, and thus became necessitated to hide the proofs of his own crime.

What, then, are the conclusions to which this lengthened investigation has introduced us? That the Saxons of England have no claim to either our laws or language;—that the one is British and the other Slogrian, which is saying the same of both;—that we owe nothing but degradation to the Saxons;

that we cannot prove their nationality, for they had no laws, literature, or language of their own of which we have any certain information;—that they may be of a German or of a Scandinavian origin, or that they may have travelled here direct from the steppes of Asia. All we know of them surely is, that their state was that of very early infancy in the life of a nation—almost patriarchal—and that their lot and custom seemed to be to remain stationary in that condition. Though progressive in the sense of having sought new homes, they had gained little in their wanderings from their ancient homes. This may have been by reason of the rapidity of their march; although that can hardly be, for on the way they seemed to have lost all trace of their true origin. This is assuming that they had a distinct nationality; but it is far more probable that they had none, and that they were a fortuitous concourse of atoms from many tribes, and only feigned to belong to the common stock, from which doubtless many individuals amongst them came. That there were many Scandinavians amongst them may be safely averred from their possession of a few Scandinavian songs and customs. That they fought so fiercely with them does not disprove this notion, for both Saxons and Danes as frequently turned their arms upon their relations as they did upon their enemies. These are problems which it concerns us not to settle. It is sufficient for the purpose of this book if the Saxons are dislodged from the positions which have been so unjustifiably awarded to them; and it must be left to their admirers, if they desire it, to find them a proper home.

In summing up the evidence, we may safely conclude—

That the Saxon Codes are only scraps of British or English laws, dishonestly selected and intermixed with errors and lies.

That the Saxon charters and other documents are a mass of forgeries.

That Saxon literature is represented alone by the Saxon Chronicle and Asser's *Life of Alfred*, and that these works are shocking impositions; and that, indeed, the Saxons had neither laws nor literature.

## CHAPTER XXII.

### CONCLUSION.

IN concluding this introduction to the study of Early English History, the author would ask himself and his readers, whether the doubts he has suggested as to the soundness of the received views of legal and general history are valid, or whether it is all a delusion and a dream? or, as Mr E. A. Freeman so politely suggests, merely lunacy? If the author is correct in his theories, there is surely much real and honest work to be done by this generation; for indeed our histories are mere lunacy, and our class-books—perhaps even including the great works of Mr Freeman himself, though the author has not read a line of them—are for the most part only fit to be burned as positively mischievous and misleading. The amount of work to be done is something appalling. Life is too short even to reckon it up, and much must be left to imagination.

First of all our truly British literature, our Welsh, Gaelic, Manx, Erse, Breton, and early English records have to be sorted, and arranged, and prepared for the labours of the historian. How much, or rather how little, of this work has been done! The Early English Text Society has done something towards their portion of the work, but not very much.

The Record Commissioners have also done something in all branches, but they are wasting their resources sadly; and other societies have also done something; but to any one who is in earnest in these inquiries, that something is very disappointing; and much, very much more remains to be accomplished. The most valuable class of ancient literature, that relating to the ancient Cymry of Wales, is but very badly represented. It is to be hoped that, with the growth of the Welsh University, greater things may be accomplished. We look to Wales for our greatest possible enlightenment.

We have a splendid repository for our national records, and a large and able staff of officers, with a fine income of something like £40,000 a year to keep it in order; but how much of this is wasted! After the experience of more than twenty years at various record offices, the author is compelled to arrive at the lamentable conclusion that little or no progress has been made—none commensurate with the means provided for the purpose. This conclusion the author ventured to express, and in consequence, he was called upon by no less an authority than the Master of the Rolls to substantiate the charges which he brought against the administration of this department.

The author had hinted that a great part of the public money was pleasantly distributed amongst a party of clergymen and ladies who amuse themselves at the Record Office, and who are simply incompetent to perform the necessary duties; and he added, “that if a quarter of this money were paid to struggling students who would devote themselves to the task of transcribing and translating the ancient records,

great good would be done to deserving men, and infinite service to the community; for it is shocking to know that for want of knowledge the decisions of our judges are frequently hopelessly wrong, and property devolves upon those the least entitled to it." And to justify his remarks, he pointed to the books which have been published by the late Master of the Rolls—books which are for the most part utter trash, and unworthy of a place upon the bookshelf.

When called upon by Sir George Jessell to point out the defects in the management of this department, the author classified them under three heads, and he gave some details in explanation. They are the following :—1st, Want of information respecting the records, including a want of proper indices; 2d, Want of transcripts; 3d, Obstructions in the way of obtaining access to the records.

At present the only means of obtaining information respecting the character of the documents consists in certain reports which have been issued periodically, and to which there is a kind of index. These reports are most partial and inefficient; they have probably been made from time to time from the notebook of some official who has superintended the arrangement of the documents on the shelves, and whilst some portions are very full and explicit, others are just the reverse; they are but a feeble and frequently an erroneous attempt at generalisation and description. There is an obvious inequality in the work, which shows that it has been done by several hands of various capacities, or by one mind of limited acquirements. What is wanted is such an account as is given in the indices of the Harleian Collection, a general classification of subjects as well as of dates

and reigns. What we have got is frequently little better than an auctioneer's catalogue. The index affords but little help to learn the contents of the office, for they are not properly classified, or even labelled. An instance of this is to be found in a very remarkable book which is simply called "The Book of Aids." This title would hardly give any idea but that it was a sort of subsidy-roll, but the book in fact contains a most valuable class of evidence—literally invaluable in peerage or pedigree cases—and which is to be found in no other documents, the names of all the mesne tenants of certain manors, as well as the names of the superior lords, and the mode of the descent of the estates. By this book alone are many of the ancient British families known to us.

After ascertaining the contents of the office, the next step is to make them accessible to the reader. This cannot be done without indices. In this department there has been greater neglect than in any other. The Octagon Room is crowded with huge folios called indices, which for the most part are worthless, many of them of the date of Queen Elizabeth, most of them out of date and imperfect. The public are indebted to Mr John J. Bond of the Record Office for some valuable indices relating to the subsidy rolls, alien priories, concealed estates of recusants, and other matters relating to the Exchequer; but putting these aside, the office is in a disgraceful condition. Surely a few hundred pounds a year might be devoted to this matter.

The greatest confusion exists in the legal department, the most important of all. The Chancery records, though of recent date, are in a deplorable condition, simply inaccessible. The author has spent

hours, and even days, in searching for the different portions of one suit, which were not always to be found, though probably in the office. The fact is, that the various removals to which these documents have been subjected have created confusion amongst them. Surely they ought to be properly arranged and indexed—mere journeyman's work, yet eminently important.

There is a magnificent series of Common Law records, covering the whole period subsequent to the Norman Conquest by Swayn the Dane, and from the reign of Richard I. to the present time, an uninterrupted series such as no other nation can boast of, but they are inaccessible simply from the immensity of their numbers. Most of them are in perfect condition, but all are destitute of indices. Sir Francis Palgrave began the work of printing some of them, and he completed the rolls of Richard I. and part of King John's reign, and also some of the fines for that period, and then for some cause this important work was laid aside for the modern rubbish which has recently been printed.

It perhaps would be impossible to print all these rolls in full, but certainly they ought all to be indexed, and the greater part of the earlier reigns printed. Sometimes a single line may contain evidence of the germ of a law of the greatest value. Perhaps the most valuable series in the whole collection, both to the lawyer and to the historian, is the series improperly called Fines; they also go back to the reign of Richard I., but unfortunately they were not enrolled, and so great numbers are lost. Still a splendid collection remains, relating to almost every family in the kingdom who attained to the dignity of



holding land, and containing an almost infinite variety of information relating to customs and laws. This grand series of documents also have no indices, and so are practically useless, or nearly so; and much the same might be said of many other valuable series of documents. They are at the Record Office, and accessible to any one who can find time to examine them, but; from their enormous masses, this is simply impracticable.

Lastly, there is a great waste of time enforced upon any one who desires to study these records: too much red tape; too many useless precautions; too little regard for that precious commodity, time; a most glaring difference between the management of this office, with its twenty readers a day, and that of the library of the British Museum, with its 2000. But one pleasant feature to be found in both is, in the invariable and obliging attention which is given by the officials in attendance. If the officers of the Record Office only knew as much about the contents of their documents as do the officers of the Museum of their books and manuscripts, there would be nothing to complain of; but they can know but little for want of the simple means attempted to be indicated.

If this office were only properly managed, with the wonderful treasures it contains, it would make this country the envy of the literary world. In the British Museum we possess the grandest collection of books and manuscripts to be found anywhere, with an admirable system of distribution. It is a pity that our national records are not transferred to the keeping and better management of that institution. What comfort and happiness is to be found in that

magnificent reading-room, for which both Britons and foreigners cannot be sufficiently thankful! It is not too much to say that it renders London the best residence in the world, the desideratum of the philosophers and the literati, bringing back to our beloved country that happy period of her existence which she enjoyed two thousand years ago, and perhaps twice two thousand, and when, under the benign influence of her Druids, she preserved and dispensed amongst the nations of the world the primitive knowledge of our first parents, and the collected wisdom of mankind.

When we look at the state of the Record Office, and would inquire for the cause of it, we are tempted to ask whether the Master of the Rolls can be aware of the jobbery which has been perpetrated in his office? for it is mere jobbery to dispense the large sums which, according to the parliamentary returns, have been expended for the editing the inferior work which has been performed, some portion of which has even been divided amongst the best-paid officials of the establishment. Judges are notoriously unfitted for the dispensation of patronage, the most unfair appointments being very frequently made by them, even in the Master-ships of their courts, or in Revisorships—offices for which the public pay handsome salaries, and which ought to be conferred upon the best men who would accept them. Every independent member of the profession would be glad to see this patronage vested in the Government; for it is not too much to say that many judicial appointments, notably many which were formerly made in the Probate Court, ought to be the subject of special inquiry; and the effect of this universal jobbery is to destroy the manhood of the

Bar. Men know that judicial appointments are not to be attained by honest labour, but by truckling to the judges; and so almost universal has this practice become, that any barrister who is independent, and who determines to do his duty in spite of judicial frowns, is at once set down as contumacious; and though, if he is a gentleman, there is no fear that he would resort to violence or indecency, yet solicitors are so terribly afraid of the Bench, that many of them would avoid him as they would a leper. Hence some of our ablest men, who will not condescend to adopt the rôle of servility, are driven to other fields of labour, and the business of the Bar is, much of it, conducted by those who are incompetent to perform their duties.

It is the knowledge of this fact that has given to Dr Keneally so strong a moral support throughout the country. Men know that he is fighting against real abuses, and hence they would support him, though they do not approve of his mode of warfare, and perhaps even doubt his motives. If the Bar was composed entirely of honest men, an unfortunate man, who was compelled by his duty to his client to oppose the Bench, would not necessarily be ruined; but barristers will not support each other, even when they know that right is on their fellow's side, and that it may be their own turn to suffer next; and there seems to be a tacit understanding between the Bench and the Bar that neither body shall interfere to prevent the wrong doings of the other, especially the doings of combinations amongst either body. These are very rare with the judges, but unhappily combinations amongst certain cliques on small circuits

are only too common, the object of which is sometimes so base as actually to aim at the destruction of a particular barrister, who for some cause has become obnoxious to certain of the leaders of the circuit. The author himself lost a valuable circuit business, besides much London work, the backbone of his professional practice, not because he had become so obnoxious, but because he could not conscientiously join a combination to destroy another barrister who had been so unfortunate—a barrister far superior intellectually to any one of his destroyers. For years he endeavoured to stem the tide of this tyranny, but every one who joined with him was subjected to the same indignities and enormities from which he suffered. *Mess law*, as circuit etiquette is called, is a law of terror, which even judges dare not oppose. One learned judge, to whom the author applied for help, expressed his sympathy and good wishes for the unfortunate gentleman who was attacked, but declared that, notwithstanding, he dared not take part in his favour.

Oh, that all temptation to servility could be removed, and that our complacent judges, who are ever so jealous of the purity of their ermine, or of the preservation of their characters for purity, were relieved from the exciting cause—the dispensation of patronage! The judge who would be pure himself should not possess the power to corrupt others. No doubt there is a terrible amount of jobbery amongst the chiefs of Government, but when there is so much patronage at their disposal, there is a better chance of its being distributed amongst fitter men—at any rate, that the round holes shall not be filled with

square pegs, though the best round pegs may still be disregarded. Fortunately for the public, the cost is not so great in its result as in its inception. Oddly enough, the result of putting unfit men into false positions is not so disastrous as might be supposed. If the Bar were but honest, a weak judge might be kept straight, and if the judges had no gifts to bestow, they would encourage learning and integrity at the Bar, and so strengthen themselves; for with the degradation of the Bar they themselves deteriorate terribly. There is not, therefore, nearly so much to fear from the jobbery of ministers as from the corruption of the judges.

This is a digression, but it is the root of the evil which causes so sad a waste of men and money at the Record Office; and the moral of it is, that the Master of the Rolls should not have the means of scattering the nation's money, designed for the nation's benefit. But there is other work to do for private hands. Every one of our ancient chronicles require to be properly edited, the excrescences to be lopped off, and clippings to be repaired by a proper collation with other, and especially with foreign MS.; and some of these excrescences might be traced to their authors, and thus obtain another value. And having prepared our materials, we must then learn how to use them; and to do this, we must form true systems of philology, of authography, of prosody, of grammar, of ethnology, and of so many branches of science that it would be tedious to name them. We are indeed poor blind children groping in the dark; our teachers are either wholly wedded to separate sciences, which have and which

must continue to occupy the attention of men, or they prostitute their positions in order to libel and calumniate those who would expose their ignorance. Would that Cambridge and Oxford, seeing this, might learn that there is something else in the world beside their philosophy, their mathematics, and their classics; that there is a great knowledge of ourselves and of our history yet to be attained; that it is more valuable to us to know ourselves than to be able to count the stars or to read the thoughts of the pagans of the old world, or to contemplate the various stages of their languages; and that it is not enough to say that, in acquiring these arts, we necessarily acquire a power to learn everything else. That may or may not be true; but surely if it is, it is stopping short at the very threshold of education. Not only should our universities fit us to acquire a knowledge of our part in life, but they should fit us to play it by teaching us the truth concerning ourselves; not only should they supply us with the means of attaining to wisdom, but they should teach it. After all the learning which he has acquired, what a poor ignorant creature is your senior wrangler and first-class classic, who, well drilled in mathematical formulæ which he will soon forget, and well-skilled in Greek and Latin poetry which will never be of practical use to him, yet believes that he, a true Briton, is an offshoot of a German tribe, and that his glorious vernacular is a dialect of Germany! He is like some American of a future date, who, when the Nigger shall have attained the true use of firearms, and through that art the power of directing the education of his superiors, shall dream that he too, though white, is

but an offshoot of the great black, and that his blood and speech are derived from that polluted source. This result has already happened to us, and we shall not escape from it if we do not arouse ourselves and work.

















